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Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 546]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.846 Lemon Regulation 546.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the Committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such Committee meeting was held on August 8, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period August 13, 1972, through August 19, 1972, is hereby fixed at 255,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 10, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-12842 Filed 8-11-72;8:54 am]

[Peach Reg. 12]

PART 919—PEACHES GROWN IN MESA COUNTY, COLO.

Limitation of Shipments

On July 27, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 15001), regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 919 (7 CFR Part 919) regulating the handling of peaches grown in the county of Mesa in the State of Colorado. This notice allowed interested persons 10 days in which they could submit written data, views, or arguments, pertaining to this proposed regulation. None were submitted. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of peaches are currently being made subject to grade and size limitations which became effective July 17, 1972 (37 F.R. 14216). The grade and size requirements specified herein are the same as those in effect during the period July 17 through August 16, 1972. The committee reported that the continuation of such regulation as herein specified is necessary to prevent the handling, on, and after August 17, 1972, of any peaches of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. It is necessary to establish minimum grades and sizes for peaches this season, even though a reduced crop is in prospect, in the interest of producers and consumers, to prevent shipment of small, poor quality fruit, and demoralization of the market for larger, better quality fruit.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Administrative Committee, and upon other available information, it is hereby found that the limitation of handling of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this reglation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such peaches are expected to continue on and after the expiration date of the existing regulation and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (37 F.R. 15001), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 919.313 Peach Regulation 12.

(a) *Order.* During the period August 17, through September 30, 1972, no handler shall ship:

(1) Any peaches of any variety which do not grade at least U.S. No. 1 grade;

(2) Any peaches of any variety which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller than 2⅛ inches in diameter (i) if not more than 10 percent, by count, of such peaches in such lot are smaller than 2⅛ inches in diameter; and (ii) if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter.

(b) *Definitions.* As used herein, "peaches", "handler", "ship", and "variety" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; U.S. No. 1", "diameter", and "count", shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 8, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-12745 Filed 8-11-72;8:48 am]

[Tokay Grape Reg. 8]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Limitation of Handling

Notice was published in the FEDERAL REGISTER issue of August 1, 1972 (37 F.R. 15380) that the Department was giving consideration to a proposal which would limit the handling of Tokay grapes grown in San Joaquin County, Calif., pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The recommendations by the Industry Committee reflect its appraisal of the crop and the current and prospective market conditions. Shipments of Tokay grapes from the production area are expected to begin on or about August 13, 1972. The grade requirements provided herein are designed to prevent the handling on and after August 13, 1972, of any Tokay grapes of a lower grade than that herein specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop.

The handling of fresh Tokay grapes would be regulated by limiting shipments of such grapes to those meeting the quality requirements hereinafter specified and packed in containers bearing the specified markings. The requirement for more even distribution of color (30 percent of the grapes in the lower quarter of each bunch showing characteristic color) is necessary to assure the availability, to consumers, of satisfactory quality Tokay grapes. It is believed, by the industry, that such quality requirements will be met by a quantity of grapes sufficient to fulfill the market demand. Compliance with the container marking requirement will verify inspection of the fruit and assure compliance with the quality requirements specified herein.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Industry Committee, and upon other available information, it is hereby found that the limitation of handling of Tokay grapes grown in San Joaquin County, Calif., as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of said Tokay grapes are expected to begin on or about the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (37 F.R. 15380), and no objection to this amendment or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 926.309 Tokay Grape Regulation 8.

(a) *Order.* During the period August 13, 1972, through December 31, 1972, no handler shall ship:

(1) Any Tokay grapes, grown in the production area, which do not meet the grade and size specifications of U.S. No. 1 Table Grapes and the following additional requirement: Of the 25 percent, by count, of the berries of each bunch which are attached to the lower part of the main stem, including laterals, at least 30 percent, by count, shall show characteristic color; or

(2) Any container of Tokay grapes, grown in the production area, unless such container bears, in plain letters and figures on one outside end, a Federal-State Inspection Service lot stamp number showing that such grapes have been inspected in accordance with the established grade set forth in this section.

(b) *Definition.* As used herein, the terms "handler," "ship," and "production area" shall have the same meaning as when used in the amended marketing agreement and order; "U.S. No. 1 Table Grapes" and "characteristic color" shall have the same meaning as when used in the U.S. Standards for Table Grapes (§§ 51.880–51.912 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: August 9, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-12808 Filed 8-11-72;8:54 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

Sodium Acid Pyrophosphate in Cooked Sausages

On November 2, 1971, there appeared in the FEDERAL REGISTER (36 F.R. 20984–20985) a notice of proposed rule making to provide for the use of sodium acid pyrophosphate as a cure accelerator in the curing process of frankfurters, wieners, vienna, bologna, garlic bologna, knockwurst, and other sausage products subject to § 319.180 of Subchapter A, Chapter III, Title 9 of the Code of Federal Regulations. The notice referred to data provided to the Department as support for the use of the chemical as proposed and advised that Department employees had witnessed industry tests conducted to demonstrate the efficacy of the cure accelerator. The data and written accounts of test observations were filed for public review in the Office of the Hearing Clerk.

Statement of considerations. A total of 447 comments were received on the proposal with a majority from individual consumers. The remainder was mainly from consumer-oriented organizations, meat processors, and officials of State and city governments.

Most of the comments consisted of opinions that were submitted without supportive data or information. Some comments, however, were accompanied with information that supplied additional facts and knowledge pertaining to the proposed use of the cure accelerator. All of the comments and information material with them were carefully reviewed.

In summary, the total record on the use of sodium acid pyrophosphate indicated:

1. The Food and Drug Administration has advised that safety is not an issue with the compound when used consistent with good commercial practices.

2. Sodium acid pyrophosphate has been a common ingredient for many years in baking powders and other leavening mixtures, self-rising flours, cake doughnuts, cake premixes, cured hams, pork shoulders and loins, canned hams, canned pork shoulders, chopped ham, and bacon.

3. The Department observed tests which showed the chemical depresses the

acidity of a sausage emulsion permitting more rapid activity of curing ingredients.

4. Sodium acid pyrophosphate can be considered a curing accelerator when used at the rate of not more than one-half of 1 percent in meat or meat and meat by-products of the sausage formula.

5. The use of a cure accelerator in the processing of cooked sausage is now an accepted practice since glucono delta lactone is approved for such application.

6. Labeling can be used to effectively identify the chemical in products.

Although the use of sodium acid pyrophosphate can be expected to reduce production costs by shortening the time required to complete the sausage processing cycle, actual savings cannot be determined.

The nature of many comments indicated there is confusion on the particular functions of substances referred to as curing accelerators and curing agents. It appears that clarity on their actions could be provided by adjusting the chart on approved additives in § 318.7 of the Department's meat inspection regulations to show curing accelerators and curing agents as separate classes of substances.

After due consideration of all relevant information in connection with the notice, the regulations are amended to provide for the use of up to one-half of 1 percent of sodium acid pyrophosphate in formulas for cooked sausages subject to § 319.180 of Subchapter A, Chapter III, Title 9 of the Code of Federal Regulations. Therefore, in the chart of substances in § 318.7(c)(4), a new class of substance named "Curing Accelerators" is added under the column "Class of Substance," in alphabetical order immediately following those substances listed under "Cooling and retort water treatment agents."

The regulations are amended as follows:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(c) * * *

(4) * * *

Class of Substance	Substance	Purpose	Products	Amount
Curing accelerators; must be used only in combination with curing agents.	Sodium Acid Pyrophosphate.	To accelerate color fixing.	Frankfurters, weiners, vienna, bologna, garlic bologna, knockwurst, and similar products.	Not to exceed, alone or in combination with other curing accelerators, the following: 8 ozs. in 100 lbs. of the meat, or meat and meat by-products, content of the formula; nor 0.5 percent in the finished product.

* * * * *

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended, 37 F.R. 6327, 6505)

The wording of the amendment differs in certain respects from that proposed in the notice of rule making. The wording changes were made to clarify the regulation and to be consistent with § 318.7(c)(4) of the present regulations governing the use of sodium acid pyrophosphate in certain other meat food products.

It does not appear that further public participation in rule making proceedings on the amendment would make additional information available to the Department.

Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rule making procedure on the amendment is impracticable and unnecessary.

The foregoing amendment to the regulations shall become effective 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., on August 8, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-12746 Filed 8-11-72;8:48 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5, Amdt. 3]

PART 120—LOAN POLICY

Business Loans and Guarantees

On June 3, 1972, there was published in the FEDERAL REGISTER (37 F.R. 11173) an amendment (Amendment 2) to subparagraph (10) of § 120.2(d) of Part 120 setting forth the policy pertaining to the eligibility of agriculture-related enterprises for SBA financial assistance. This Amendment 3 will clarify and interpret the eligibility of commercial feed yards to include and to extend to commercial poultry feed yards.

Therefore, subparagraph (10) of § 120.2(d) is hereby amended by adding a new (c) in subdivision (ii), as follows: "; or (c) the operation of a commerical poultry feed yard where its income is derived from the service operation of housing and feeding poultry owned by others, even when such operation results in the production of eggs; * * *"

This amendment shall become effective on the date of publication in the FEDERAL REGISTER (8-12-72).

Dated: August 3, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-12727 Filed 8-11-72;8:47 am]

[Rev. 7, Amdt. 1]

PART 123—DISASTER LOANS

Purposes of Loans

On June 30, 1972, there was published in the FEDERAL REGISTER (37 F.R. 12977) a notice that the Small Business Administration proposed to amend its disaster loan policy by adding a definition of major sources of employment which are eligible for financial assistance under section 237 of the Disaster Relief Act of 1970. Interested parties were given thirty (30) days in which to comment on the proposal. No comments were received. The following amendment is hereby adopted as a new paragraph (h) of § 123.3 of the Code of Federal Regulations.

§ 123.3 Purposes of loans.

* * * * *

(h) *Aid to major sources of employment.* The purpose of loans authorized under section 237 of the Disaster Relief Act of 1970 is to enable an industrial or commercial enterprise, which has constituted a major source of employment in an area suffering a major disaster declared by the President, and which is no longer in substantial operation as a result of such disaster, to resume operations in order to assist in restoring the economic validity of the disaster area. A major source of employment as used in this part, is defined as: (1) A concern which employed 10 percent or more of the entire work force of a geographically identifiable community, no larger than a county; or (2) a concern which employed 10 percent or more of the total work force in an industry within the major disaster area; or (3) any business firm within the major disaster area which employed 1,000 or more employees.

* * * * *

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (8-12-72).

Dated: August 4, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 72-12726 Filed 8-11-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-GL-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 9675 and 9676 of the FEDERAL REGISTER dated May 16, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Circleville, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections, regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 12, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on July 25, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is added:

CIRCLEVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Pickaway County Memorial Airport (latitude 39°31'00" N., longitude 82°58'55" W.) excluding the portion which lies within the Lockbourne AFB transition area.

[FR Doc.72-12747 Filed 8-11-72;8:48 am]

[Airspace Docket No. 72-GL-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 9676 of the FEDERAL REGISTER dated May 16, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Findley, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections, regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., October 12, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 79 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on July 21, 1972.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

FINDLAY, OHIO

Within a 5-mile radius of the Findlay Airport (latitude 41°00'40" N., longitude 83°40'30" W.) excluding that portion within a 1-mile radius of the Lutz Airport (latitude 40°57'42" N., longitude 83°35'43" W.) within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles south of the airport; within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 5-mile radius zone to 8.5 miles northeast of the airport; within a 5-mile radius of Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) and within 2 miles each side of the Findlay VORTAC 231° radial extending from the 5-mile radius zone to the Findlay, Ohio, Airport 5-mile radius zone.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

FINDLAY, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Findlay, Ohio Airport (latitude 41°00'40" N., longitude 83°40'30" W.) within 3 miles each side of the 063° bearing from the Findlay Airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport, within 3 miles each side of the 179° bearing from the Findlay Airport extending from the 6.5-mile radius area to the 8.5 miles south of the airport within 2 miles each side of the Findlay VORTAC 231° radial extending from the Bluffton Flying Service Airport (latitude 40°53'09" N., longitude 83°52'04" W.) 5-mile radius area to the 6.5-mile radius area of the Findlay Airport.

[FR Doc.72-12748 Filed 8-11-72;8:48 am]

[Airspace Docket No. 72-GL-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 9675 of the FEDERAL REGISTER dated May 16, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Cincinnati, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 12, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill. on July 18, 1972.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is amended as indicated:

CINCINNATI, OHIO

Add to the airspace extending upward from 700 feet above the surface "within a 5½-mile radius of Clermont County Airport, Batavia, Ohio (latitude 39°04'43" N., longitude 84°12'38" W.); within a 5-mile radius of the Blue Ash Airport, Cincinnati, Ohio (latitude 39°14'59" N., longitude 84°23'14" W.) and within 3 miles each side of the 046° bearing from the Blue Ash Airport from the 5-mile radius area to 7 miles northeast".

[FR Doc.72-12749 Filed 8-11-72;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9691]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Change of Accountant Certifying Annual Report of Broker-Dealer

The Securities and Exchange Commission today adopted an amendment to Rule 17a-5 [17 CFR 240.17a-5] under the Securities Exchange Act of 1934 relating to disclosure of a change of accountant certifying the annual report of a broker-dealer pursuant to paragraph (a) of Rule 17a-5. The amendment is similar to one adopted during 1971 in connection with changes of certifying accountants by publicly owned companies subject to the reporting requirements of sections 13 and 15(d) of the 1934 Act.

The amendment redesignates the present paragraph (f) of Rule 17a-5 as paragraph (f)(1) and adds a new paragraph (f)(2). Paragraph (f)(2) requires the broker-dealer to file a notice with the Commission within 15 days following the date of notification of termination of the engagement of an accountant engaged to certify an annual report of financial condition pursuant to Rule 17a-5. The notice requires disclosure of the date of notification of termination of the engagement and a statement of the details of any disagreements between the certifying accountant and the broker-dealer on any matter of accounting principles or practices, financial statement disclosure, auditing procedure, or compliance with applicable rules of the Commission that, if not resolved to the satisfaction of the accountant, would

have caused him to refer to the subject matter of the disagreement in his opinion.

The Commission requested public comments on the proposal to amend Rule 17a–5 on February 8, 1972, in Securities Exchange Act Release No. 9482 (37 F.R. 4454). Letters of comment received and experience in reviewing reports made by companies subject to sections 13 and 15(d) have been given careful consideration in determining the definitive amendment of the proposal. The proposed rule has been revised to make it clear that notice to the Commission is required not only when the engagement of the accountant who certified the most recent report is terminated but also when an accountant's engagement is terminated prior to his ever certifying to a report filed with the Commission and when a new accountant is engaged without notice of termination having been given to the former accountant. A provision has also been added requiring that three copies of the notice and accountant's letter must be filed.

The amendment is adopted pursuant to sections 17(a) and 23(a) (15 U.S.C. 78q (a), 78w(a)) of the Securities Exchange Act of 1934 and shall be effective as to any change of accountant made after July 31, 1972.

Commission action. The Commission has amended § 240.17a–5 of Chapter II of Title 17 of the Code of Federal Regulations by redesignating present paragraph (f) as new subparagraph (1) of paragraph (f) of said section, and by adding thereafter a new subparagraph (2) to paragraph (f), and as so amended it will read as follows:

§ 240.17a–5 Reports to be made by certain exchange members, brokers and dealers.

* * * * *

(f) *Qualifications and replacement of accountants.* * * *

(2) *Replacement of accountant.* A member, broker, or dealer shall file a notice with the regional office of the Commission for the region in which its principal place of business is located not more than 15 days after:

(i) The member, broker, or dealer has notified the accountant who certified the report of financial condition in the most recent report filed under this rule that his services will not be utilized in future engagements; or

(ii) The member, broker, or dealer has notified an accountant who was engaged to certify a report of financial condition under this rule that the engagement has been terminated; or

(iii) An accountant has notified the member, broker, or dealer that he would not continue under an engagement to certify a report of financial condition; or

(iv) A new accountant has been engaged to certify a report of financial condition without any notice of termination having been given to or by the previously engaged accountant.

Such notice shall state (*a*) the date of notification of the termination of the engagement or engagement of the new accountant as applicable and (*b*) the details of any problems existing during the 24 months (or the period of the engagement if less) preceding such termination or new engagement relating to any matter of accounting principles or practices, financial statement disclosure, auditing procedure, or compliance with applicable rules of the Commission, which problems, if not resolved to the satisfaction of the displaced accountant, would have caused him to refer to them in his opinion. The member, broker, or dealer shall also request the displaced accountant to furnish the member, broker, or dealer with a letter addressed to the Commission stating whether he agrees with the statements contained in the notice of the member, broker, or dealer and, if not, stating the respects in which he does not agree. The member, broker, or dealer shall file three copies of the notice and the accountant's letter, one copy of which shall be manually signed by the sole proprietor, or a general partner or a duly authorized corporate officer, as appropriate, and by the accountant, respectively.

* * * * *

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JULY 27, 1972.

[FR Doc.72–12730 Filed 8–11–72;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Container or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP OB2458) filed by Gulf Oil Corp., Gulf Building, Pittsburgh, Pa. 15230, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of 2,6-di-*tert*-butyl-4-ethylphenol as an antioxidant and/or stabilizer in ethylene polymers and copolymers intended to contact nonalcoholic foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically adding to the list of substances a new item as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	
2,6-Di-*tert*-butyl-4-ethylphenol	For use only in contact with nonalcoholic foods: 1. At levels not exceeding 0.1 percent by weight in ethylene polymers and copolymers complying with § 121.2501(c), items 2.1, 2.2, 2.3, 3.1, 3.2, and 3.3; § 121.2528; and § 121.2570. The average thickness of such polymers and copolymers in the form in which they contact food shall not exceed 0.0025 inch. 2. At levels not exceeding 0.01 percent by weight in ethylene polymers and copolymers complying with § 121.2501(c), items 2.1, 2.2, 2.3, 3.1, 3.2, and 3.3; § 121.2528; and § 121.2570. The average thickness of such polymers and copolymers in the form in which they contact food shall not exceed 0.025 inch.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (8–12–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12615 Filed 8-11-72;8:45 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sulfadimethoxine, Ormetoprim

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (40-209V) filed by Hoffmann-La Roche, Inc., proposing revised labeling and an amendment to the regulations to more clearly set forth the conditions of use of sulfadimethoxine and ormetoprim in feed for broiler and replacement chickens. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.55(e) is amended in the table by revising the text in the "Limitations" column for item 1. and adding a new item 5 to the table as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

* * * * *

(e) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. * * *	* * *	* * *	* * *	For broiler chickens only; feed as a sole ration; withdraw 2 days before slaughter.	* * *
				* * *	* * *
5. Sulfadimethoxine+ ormetoprim.	113.5 (0.0125%) 68.1 (0.0075%)			For replacement chickens only; feed as a sole ration; do not feed to chickens over 16 weeks (112 days) of age; withdraw 2 days before slaughter.	As an aid in the prevention of coccidiosis caused by all *Eimeria* species known to be pathogenic to chickens namely, *E. tenella, E. necatrix, E. acervulin, E. brunetti, E. mitati* and *E. maxima*, and bacterial infections due to *H. gallinarum* (infectious coryza), *E. coli* (colibacillosi) and *P. multocida* (fowl cholera).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (8-12-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: August 3, 1972.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72-12617 Filed 8-11-72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of the Assistant Secretary for Housing Production and Mortgage Credit Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-72-206]

MORTGAGE AND LOAN INSURANCE PROGRAMS

Adequacy of Applicant's Income; Eligibility of Servicemen

The Department of Housing and Urban Development is amending its regulations concerning eligibility of applicants for mortgages insured pursuant to the National Housing Act. The regulations, as amended, set forth revised guidelines concerning the evaluation of the adequacy and stability of an applicant's income under the various home mortgage programs. The Department has also changed the conditions under which a serviceman will be eligible for mortgage insurance as an owner-occupant.

The guidelines set forth in the revised regulation concerning the evaluation of income permit approval of an applicant for mortgage insurance if the prospective housing expense does not exceed 35 percent, and the sum of the prospective housing expense and other recurring charges does not exceed 50 percent of the applicant's net effective income. However, applications in which these limitations are exceeded may still be approved for mortgage insurance if favorable, compensating factors, as determined by the Secretary, are present. The guidelines also provide that income which can be expected to continue for approximately the first 5 years of the mortgage term will be considered as effective income.

Under the new regulations, a serviceman otherwise meeting the requirements for mortgage insurance as an owner-occupant will be considered eligible if the property securing the mortgage is located in an area in which the prospects for resale are reasonable and if the serviceman and his family will reside in the property for 2 or more years. This period may be shortened to 1 year if the serviceman's family will occupy the property for at least 1 year and if the serviceman is assigned to a combat zone or other hazardous duty area where the family cannot follow.

Since the revised procedures will make mortgages insured by this Department available to more applicants, I find that it is impracticable and contrary to the public interest to engage in public rulemaking procedures and to postpone the effective date. Therefore, the revised regulations will become effective immediately upon publication in the FEDERAL REGISTER. However, all interested persons are invited to submit written comments with respect to the regulation, which may be later revised in light of the comments received.

Such comments should be filed in triplicate within 30 days after publication of the regulation with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. A copy of such communication will be available for public inspection during business hours at the above address.

Accordingly, the amendments to Chapter II, which are being issued pursuant to section 7(d) of the Housing and Urban Development, 42 U.S.C. 3535(d), are set out below:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. Section 203.31 is amended to read as follows:

§ 203.31 Owner-occupancy in military service cases.

(a) Any mortgage otherwise eligible for insurance under any of the provisions of this part may be insured without regard to any requirement contained in this part that the mortgagor be the occupant of the property at the time of insurance where the Commissioner is satisfied that the inability of the mortgagor to occupy the property is by reason of his entry into military service subsequent to the filing of an application for insurance and the mortgagor expresses an intent (in such form as may be prescribed by the Commissioner), to occupy the property upon his discharge from the service.

(b) A serviceman shall also be considered an owner-occupant for mortgage insurance purposes if the following conditions are satisfied:

(1) *Period of occupancy.* The serviceman and his family must expect to occupy the property for 2 or more years. This period may be shortened to 1 year if the serviceman's family will occupy the property for at least 1 year and if the serviceman is assigned to a combat zone or other hazardous duty area where the family cannot accompany him.

(2) *Location of property.* The property must be located in an area in which the prospects of resale are reasonable.

2. Section 203.33 is amended to read as follows:

§ 203.33 Relationship of income to mortgage payments.

(a) *Adequacy of mortgagor's income.* A mortgagor must establish that his income is and will be adequate to meet the

periodic payments required in the mortgage submitted for insurance. The mortgagor's income will be considered adequate if the total prospective housing expense does not exceed 35 percent of the mortgagor's net effective income, and if the total of the prospective housing expense and other recurring charges do not exceed 50 percent of the mortgagor's net effective income. Income may be considered adequate in cases in which the limitations set forth above are exceeded if there are other, favorable compensating factors present, as determined by the Commissioner.

(b) *Stability of mortgagor's income.* Only that part of the mortgagor's income which can be expected to continue for approximately the first 5 years of the mortgage term will be considered effective income for the purpose of determining the adequacy of the mortgagor's income, as set forth in paragraph (a) of this section.

(Sec. 203, National Housing Act; 12 U.S.C. 1709)

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgages

Section 213.521 is amended to read as follows:

§ 213.521 Relationship of income to mortgage payments.

(a) *Adequacy of mortgagor's income.* A mortgagor must establish that his income is and will be adequate to meet the periodic payments required in the mortgage submitted for insurance. The mortgagor's income will be considered adequate if the total prospective housing expense does not exceed 35 percent of the mortgagor's net effective income, and if the total of the prospective housing expense and other recurring charges do not exceed 50 percent of the mortgagor's net effective income. Income may be considered adequate in cases in which the limitations set forth above are exceeded if there are other, favorable compensating factors present, as determined by the Commissioner.

(b) *Stability of mortgagor's income.* Only that part of the mortgagor's income which can be expected to continue for approximately the first 5 years of the mortgage term will be considered effective income for the purpose of determining the adequacy of the mortgagor's income, as set forth in paragraph (a) of this section.

(Sec. 213, National Housing Act; 12 U.S.C. 1715e)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements

Section 235.10 is revised. As amended, § 235.10 reads as follows:

§ 235.10 Eligible mortgagors.

(a) To be eligible under this subpart, the mortgagor shall have assets and an annual income within the limits prescribed by the Commissioner.

(b) In addition to the income and assets limitations set forth in paragraph (a) of this section, a mortgagor must establish that his income is and will be adequate to meet his portion of the periodic payments required in the mortgage submitted for insurance. The mortgagor's income will be considered adequate if the total prospective housing expense does not exceed 35 percent of the mortgagor's net effective income, and if the total of the prospective housing expense and other recurring charges do not exceed 50 percent of the mortgagor's net effective income. Income may be considered adequate in cases in which the limitations set forth above are exceeded if there are other, favorable compensating factors present, as determined by the Commissioner.

(c) Stability of mortgagor's income: Only that part of the mortgagor's income which can be expected to continue for approximately the first 5 years of the mortgage term will be considered effective income for the purpose of determining the adequacy of the mortgagor's income, as set forth in paragraph (b) of this section.

(Sec. 235, National Housing Act, 12 U.S.C. 1715z)

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (August 12, 1972).

Issued at Washington, D.C., August 8, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72-12751 Filed 8-11-72;8:49 am]

[Docket No. R-72-207]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOMEOWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements

HOMES FOR LOWER INCOME FAMILIES

Pursuant to section 518(b) of the National Housing Act (12 U.S.C. 1735b) the Department of Housing and Urban Development is amending its regulation concerning the parties required to sign the sellers' reimbursement agreement set forth in § 235.12.

The amendment would eliminate the requirements that the agreement be signed and an escrow deposit made except where the seller has not been occupying the property as an owner-occupant and the property is being sold by other than a nonprofit organization or public body or public agency. Under the present § 235.12, all sellers of properties described therein, the mortgages on which are to be insured under Part 235, must execute the agreement, and all nonoccupant sellers, including nonprofit organizations, must make the required escrow deposit.

Because of the need to have the revised procedure available at the earliest possible date, I find that it is impracticable and contrary to the public interest to engage in public rule making procedures and to postpone the effective date. Therefore, the revised regulation will become effective immediately upon publication in the FEDERAL REGISTER. However, all interested persons are invited to submit written comments with respect to this regulation, which may be later revised in the light of comments received.

Such comments should be identified by the above docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Copies of comments submitted will be available for examination during business hours at the above address.

Accordingly, pursuant to section 7(d) of the Housing and Urban Development Act, 42 U.S.C. 3535(d), § 235.12 is amended to read as follows:

§ 235.12 Seller's reimbursement agreement.

In order to be eligible under this subpart, if the mortgage covers a dwelling which is more than 1 year old on the date of the insurance commitment and the insurance commitment was issued after April 9, 1971, the following agreement must be executed by a seller who has not been occupying the property as an owner-occupant (other than a seller that is a nonprofit organization or public body or public agency):

SELLER'S REIMBURSEMENT AGREEMENT

FHA Case No. _____

This agreement made in triplicate this _____ day of _____ by and between _____, hereinafter referred to as the Seller(s), and the Federal Housing Administration, hereinafter referred to as the Insurer:

WITNESSETH

Whereas, the Seller(s) desire(s) to sell the premises located at _____ with a mortgage to be insured under section 235 of the National Housing Act.

Whereas, the Insurer will provide mortgage insurance on said premises under section 235 of the National Housing Act.

1. Now, therefore, in consideration of the sale of a single-family dwelling located at _____,
(Insert address, city, county, and State)
which was more than 1 year old on _____ and that the purchase of such dwelling is being financed by a mortgage insured under section 235 of the National Housing Act, and in order to induce the buyer(s) and mortgagor(s) to buy such dwelling and the Secretary of Housing and Urban Development to insure and subsidize such mortgage, the undersigned Seller hereby agrees, or Sellers hereby jointly and severally agree, intending to be legally bound, to reimburse the Secretary for any payments made by him to correct or compensate the buyer(s) for structural or other defects which seriously affect the use and livability of such dwelling, and hereby certify that no such defect now exists.
(Insert date of issuance of insurance commitment)

2. The seller(s) hereby certifies(y) that he is (they are) a person(s) or entity other than a nonprofit organization or public body or public agency, that he has (they have) *not* been occupying the property being sold as an owner-occupant and that he has (they have) deposited in escrow with _____ (Mortgagee) an amount equaling 5 percent of the sales price of the property covered by this agreement. (The escrow may be in the form of cash, bond, letter of credit, or any other assurance of payment satisfactory to the mortgagee collected or obtained at the time of closing.) The Seller(s) hereby authorize(s) the holder of this escrow to transfer to the Insurer all or such part of these funds as the Insurer, in its sole discretion, determines must be expended to correct or to compensate the purchaser for structural or other defects which seriously affect the use and livability of the premises. Seller(s) also hereby agree(s) to reimburse the Insurer above and beyond the amount escrowed to repair the structural or other defects covered by this agreement. Insurer's determination as to the necessity for, the reasonableness of the amount to be expended for, or the method to be used in performing such corrections or compensation, shall be final and conclusive.

The Insurer and Seller(s) hereby agree that if on the first day of the 13th month following the date of the insurance of the mortgage the Insurer has not notified the Seller of a request by the buyer(s) for assistance in correcting (or compensating for expenditures to correct) structural or other defects, the Seller(s) shall automatically be released from its obligation under this agreement. If the Seller(s) has been notified of such a request, the Seller(s) shall automatically be released from all obligation under this agreement other than his obligation with respect to the request of which he has been notified. Any unused escrow funds in excess of the amount estimated to be necessary for the repair of the defect of which the Seller(s) has been notified, including any unused interest, shall be returned to the Seller(s) by the escrow holder.

The mortgagee hereby acknowledges receipt from the Seller(s) of $_____ in the form of _____ (indicate whether deposit in cash or other form) which it agrees to hold in escrow and to disburse only in accordance with the terms of this agreement; and that, if the escrow is in the form of cash, it will place such cash in an interest bearing account insured by FDIC or FSLIC under which all interest accrued will be added to the amount escrowed.

3. The Seller(s) agree(s) to keep the mortgagee informed of any change in address and the Seller(s) understand(s) that a refusal to satisfy a claim under this agreement could result in a denial to him (them) of future participation in HUD programs.

WARNING

Section 1010 of title 18, U.S.C., "Department of Housing and Urban Development and Federal Housing Administration transactions," provides: "Whoever, for the purpose of * * * influencing in any way the action of such Department, * * * makes, passes, utters, or publishes any statement, knowing the same to be false * * * shall be fined not more than $5,000 or imprisoned not more than 2 years, or both."

In Testimony Whereof, the parties hereto affix their signatures and seals the day and year first above mentioned.

_____ (Seller)

Federal Housing Administration
Department of Housing and Urban Development

_____ (Seller)

By: _____

_____

_____ Mortgagee

Effective date. This regulation will be effective upon publication in the FEDERAL REGISTER (August 12, 1972).

Issued at Washington, D.C., August 8, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72-12752 Filed 8-11-72;8:49 am]

[Docket No. R-72-184]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Wednesday, May 17, 1972 (37 F.R. 9902), prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Columbia, S.C. area office indicates that certain prototype per unit cost schedules should be revised for the State of South Carolina.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requiries the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's adopted publications policy (24 CFR Part 10), and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following changes are made to the schedules as originally published in Volume 37 of the FEDERAL REGISTER:

1. On pages 9928–9929 delete the Columbia, Aiken, Anderson, Beaufort, Charleston, Florence, Greenville, Greenwood, Myrtle Beach, North Augusta, Orangeburg, Rockhill, and Spartanburg, S.C. schedules under Region IV and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule (sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This rule is effective upon the date of publication in the FEDERAL REGISTER (August 12, 1972).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Columbia, S.C.:							
Detached and semidetached	7,250	8,750	10,750	12,900	15,500	17,200	18,050
Row dwellings	6,950	8,350	10,300	12,250	14,750	16,400	17,150
Walk-up	5,900	7,350	9,350	11,000	12,750	14,050	14,800
Elevator-structure	11,000	12,750	16,100				
Aiken, S.C.:							
Detached and semidetached	7,350	8,900	10,900	13,100	15,750	17,500	18,350
Row dwellings	7,050	8,500	10,450	12,450	15,000	16,650	17,450
Walk-up	6,000	7,500	9,500	11,200	13,000	14,300	15,100
Elevator-structure	11,150	12,950	16,400				
Anderson, S.C.:							
Detached and semidetached	7,300	8,800	10,850	13,000	15,600	17,350	18,200
Row dwellings	7,000	8,400	10,400	12,350	14,850	16,550	17,300
Walk-up	5,950	7,400	9,450	11,100	12,850	14,200	14,950
Elevator-structure	11,100	12,850	16,200				
Beaufort, S.C.:							
Detached and semidetached	7,400	8,950	11,000	13,200	15,850	17,600	18,500
Row dwellings	7,150	8,650	10,650	12,650	15,100	16,800	17,600
Walk-up	6,050	7,500	9,550	11,250	13,050	14,400	15,150
Elevator-structure	11,250	13,100	16,500				
Charleston, S.C.:							
Detached and semidetached	7,700	9,300	11,450	13,750	16,500	18,300	19,200
Row dwellings	7,400	9,250	11,000	13,100	15,750	17,500	18,300
Walk-up	6,300	7,850	9,950	11,700	13,600	14,950	15,750
Elevator-structure	11,500	13,350	16,900				
Florence, S.C.:							
Detached and semidetached	7,350	8,900	10,900	13,100	15,750	17,500	18,350
Row dwellings	7,050	8,500	10,450	12,450	15,000	16,650	17,450
Walk-up	6,000	7,500	9,500	11,200	13,000	14,300	15,100
Elevator-structure	11,150	12,950	16,400				
Greenville, S.C.:							
Detached and semidetached	7,450	9,000	11,050	13,250	15,950	17,700	18,550
Row dwellings	7,150	8,600	10,600	12,600	15,200	16,900	17,650
Walk-up	6,050	7,550	9,600	11,200	13,100	14,450	15,200
Elevator-structure	11,150	12,950	16,400				

	Number of bedrooms						
	0	1	2	3	4	5	6
Greenwood, S.C.:							
Detached and semidetached	7,300	8,800	10,850	13,000	15,600	17,300	18,500
Row dwellings	7,000	8,400	10,400	12,350	14,850	16,550	17,500
Walk up	5,950	7,400	9,450	11,100	12,850	14,200	14,950
Elevator-structure	11,100	12,850	16,200				
Myrtle Beach, S.C.:							
Detached and semidetached	7,400	8,950	11,000	13,200	15,850	17,600	18,600
Row dwellings	7,150	8,650	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,600	9,550	11,250	13,050	14,400	15,150
Elevator-structure	11,250	13,100	16,500				
North Augusta, S.C.:							
Detached and semidetached	7,700	9,300	11,400	13,700	16,450	18,250	19,150
Row dwellings	7,350	8,850	10,900	12,950	15,750	17,350	18,150
Walk-up	6,250	7,800	9,900	11,650	13,550	14,900	15,700
Elevator-structure	11,650	13,500	17,100				
Orangburg, S.C.:							
Detached and semidetached	7,250	8,750	10,750	12,900	15,500	17,200	18,050
Row dwellings	6,950	8,350	10,300	12,250	14,750	16,400	17,150
Walk-up	5,900	7,350	9,350	11,000	12,750	14,050	14,800
Elevator-structure	11,000	12,750	16,100				
Rockhill, S.C.:							
Detached and semidetached	7,350	8,900	10,900	13,100	15,750	17,500	18,350
Row dwellings	7,050	8,500	10,450	12,450	15,000	16,650	17,450
Walk-up	6,000	7,500	9,500	11,200	13,000	14,300	15,100
Elevato-rstructure	11,150	12,950	16,400				
Spartansburg, S.C.:							
Detached and semidetached	7,450	9,000	11,050	13,250	15,850	17,700	18,550
Row dwellings	7,150	8,600	10,600	12,600	15,200	16,900	17,650
Walk-up	6,050	7,550	9,600	11,300	13,100	14,450	15,200
Elevator-structure	11,150	12,950	16,400				

[FR Doc.72-12720 Filed 8-11-72;8:47 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 231—COLORADO RIVER IRRIGATION PROJECT, ARIZ.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 (1970 ed.), and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 9038 of the FEDERAL REGISTER of May 4, 1972 (37 F.R. 9038), there was published a notice of proposed rule making to revise Part 231 of Subchapter U, Chapter I of Title 25 of the Code of Federal Regulations. The purpose of this revision is to provide additional revenue to meet the increased cost of operating and maintaining the power system of the Colorado River Indian Irrigation Project, Ariz., and to make the regulations compatible with present operation practices and requirements of the project. The regulations were proposed pursuant to 5 U.S.C. 301, section 2 of the Act of August 30, 1935 (49 Stat. 1039), and the Act of June 18, 1940 (54 Stat. 422).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received; however, a typographical error was noted in paragraph (b)(2) of § 231.53, which showed the energy charge as $0.90 per kilowatt-hour instead of 9 mills per kilowatt-hour. The proposed regulations with the following correction are hereby adopted without other changes and are set forth below:

1. In § 231.53(b)(2), the words "$0.90 per kilowatt-hour" are changed to read "9 mills per kilowatt-hour."

Because the additional power revenue is urgently needed to provide adequate and proper operation and maintenance of the Colorado River Indian Irrigation Project power system, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon date of publication in the FEDERAL REGISTER (8-12-72).

HARRISON LOESCH,
Assistant Secretary of the Interior.

AUGUST 4, 1972.

Part 231 of Subchapter U, Chapter I, Title 25 of the Code of Federal Regulations is amended to read as follows:

Sec.

AUTHORITY: The provisions of this Part 231 issued under sec. 2, 49 Stat. 1039; 54 Stat. 422; and 5 U.S.C. sec. 301.

§ 231.1 Purpose of regulations.

The rules and regulations in this part are approved for the conduct of the electric power system of the Colorado River Irrigation Project, Arizona and California. The rules and regulations of this part are subject to change by the proper authority and such changes will apply to all contracts then and afterwards in effect.

§ 231.2 Authority of Officer in Charge.

The Officer in Charge as referred to herein is the Superintendent of the Colorado River Indian Agency or his designated representative. The Officer in Charge or his designee is responsible for operation of the electric power system and enforcement of public notices establishing rates and regulations. He is fully authorized to carry out and enforce the rules and regulations in this part.

§ 231.3 Disputes.

In case of disputes regarding application of these rules and regulations and decisions of the Officer in Charge made pursuant thereto, appeal may be made to the Commissioner of Indian Affairs whose decision will be final. While an appeal is pending, electric service will not be discontinued except in case of emergency as provided for in §§ 231.26 and 231.29: *And provided further*, That payments or deposits are made as required in § 231.24.

§ 231.4 Applications; contracts.

In order to become a consumer under the Colorado River Irrigation Project electric power system, an application shall be made which becomes a contract upon the approval of the Officer in Charge. In general, services will be rendered to all applicants signing valid contracts where service lines exist. The Officer in Charge is authorized to reject applications where it does not appear that the rules and regulations in this part will be complied with, or when not to the interest of the United States. After 10 days from the issuance of a written notice to the consumer regarding failure to comply with these rules and regulations, the Officer in Charge may suspend or cancel the consumer's service contract. Negotiations for contracts involving special conditions or service within town sites of record will be subject to approval by the Commissioner of Indian Affairs.

§ 231.5 Cash deposits.

A cash deposit or other form of guarantee in advance, in an amount of twice the estimated monthly bill, but not less than $20, will be required from all consumers except tribal, city, county, State, or Federal agencies. Where service to a consumer requires the construction of extensions beyond existing service lines, the consumer may be required by the Officer in Charge to deposit in advance an amount equal to 1 year's estimated billing.

§ 231.6 Deposits returned.

The consumer's cash deposit, less the amount of any unpaid bills for electric service excepting the unused portion of deposits for extensions, will be returned to the consumer when service is discontinued by written order of the consumer.

§ 231.7 Extensions.

Except as provided in § 231.8, the construction of extensions within the limits of urban areas of single-phase circuits will not exceed 100 feet, and extensions of three-phase circuits will not exceed 80 feet, for each dollar of guaranteed monthly revenue. The construction of extensions in rural areas of single-phase circuits will not exceed 264 feet, and extensions of three-phase circuits will not exceed 132 feet, for each dollar of guaranteed monthly revenue. Extensions will be constructed along existing rights-of-way insofar as practicable.

§ 231.8 Extensions beyond specified distance.

If extensions are desired beyond the distances specified in § 231.7, or if project funds are not available, prospective consumers may, after appropriate written agreement with the Officer in Charge, furnish or pay for such satisfactory line material and labor as may be necessary to construct the additional extension. The agreement may provide that part or all of the cost of the extension will be refunded to the consumer by allowing him a monthly credit equal to 20 percent of his power bill each month until the agreed amount is refunded, but not to exceed 5 years.

§ 231.9 Extensions limited.

The Officer in Charge shall decline to construct any extension which in his opinion will be excessive in cost or detrimental to the best interest of the project, or for which appropriations and funds are not available. All extensions shall remain the property of the United States.

§ 231.10 Measuring extensions.

In measuring an extension there shall be included all the primary distribution circuit which it is necessary to build and also the length of the secondary circuit, in excess of 100 feet, to the point of connection with the consumer's service.

§ 231.11 Rights-of-way.

Where there is no existing right-of-way or where no right-of-way has been acquired for such facilities, the consumer shall make or procure satisfactory conveyance to the United States of rights-of-way across all property necessary for the lines of the United States or incidental to the furnishing of service.

§ 231.12 Temporary service.

Temporary service refers to service to circuses, bazaars, fairs, construction works, and other business of such a nature that service on the premises will probably be discontinued within less than 1 year. Unless the payment of the cost is satisfactorily guaranteed, applicants for temporary service shall be required to deposit with the authorized collector a sum of money equal to the estimated net cost of installing and removing any facilities necessary in connection with furnishing such service, and also an additional sum approximately equal to the estimated bill for electric service: *Provided,* That if service is to continue for more than 2 months the said additional sum need not be greater than twice the estimated monthly bill. After service is discontinued, an account shall be rendered to the consumer and proper adjustment shall be made.

§ 231.13 Type of service.

(a) Service for lights and usual domestic and other appliances, including motors of less than 7½ horsepower, will be single-phase, 120/240 volts, three-wire, except when special approval for another type of service has been obtained from the Officer in Charge.

(b) Three-phase service at suitable voltage may be furnished for motor installations of 7½ horsepower and over, providing a three-phase circuit and the required voltage can be provided at the point where the consumer desires service.

(c) All service will be 60-cycle.

§ 231.14 Service connections.

(a) The consumer shall furnish and install the necessary service equipment in accordance with the following specifications:

(1) Service wires from the main line switch to the service entrance shall be encased in rigid steel conduit and shall be brought outside the building at a location most convenient to the lines of the United States. If brought out elsewhere, they shall be carried in rigid steel conduit to the point designated by the Officer in Charge. Service wires will not be carried over buildings to reach outlets where clearance of 8 feet for roofs less than one-fourth pitch, and 2 feet for roofs greater than one-fourth pitch, cannot be obtained. Outlets must be brought out at least 12 feet above the ground. If the consumer or his wiring contractor has any doubt as to the proper location for the service entrance, he should consult the Officer in Charge before the work is done.

(b) The ordinary method of connection with the street mains will be overhead wires. Consumers desiring the feed wires to run underground must run their own wires in approved conduit from the building to the point where connection is to be made. Conduits on the consumer's service pole must be installed in a manner satisfactory to the Officer in Charge. Consumers desiring underground service extensions to a pole owned by the Government will provide and install needed materials to be placed on the pole. All connections to Government owned facilities will be made by Government personnel. Conduits must be provided at the upper end with a suitable weatherproof fitting installed not more than 18 inches below the service drop. The conductors must be of such size that at full load the voltage drop from the point of attachment on the pole to the building entrance will not exceed 2 percent.

(c) Not more than one service will be installed to any one building.

§ 231.15 Entrance wires, switch, and protection.

(a) All single- and three-phase meters will be of the socket type. The socket and meter will be furnished by the United States. The socket shall be installed by the consumer. From the load side of the meter socket the consumer shall install the service wire in rigid steel conduit to a load center. This box must contain an automatic breaker or fused disconnect switch of an approved size for the connected demand. An additional grouping of branch fused disconnects or circuit breakers must be installed to serve lights, motors, or appliances, as required by the National Electrical Code. The neutral wire shall not be fused.

(b) On three-phase installations a main line entrance switch must be placed on the load side of the meter and adjacent thereto. This switch shall be fused on the load side of the switch or an automatic circuit breaker of approved type and capacity shall be installed. If fuses are used, they must be of cartridge type when the voltage is in excess of 150 volts to ground. The neutral wire shall not be fused.

(c) Entrance wires must be carried to the meter in rigid steel conduit and so arranged that they can be connected to the line side of the meter, and the load wires to the load side without crossing the wires near the meter.

(d) Where two or more meters are to be placed in one installation, extra arrangements for meter sockets or loops and meter boards shall be made by the consumer and each meter shall be protected by an individual circuit breaker or fused disconnect switch. In such case, the meter loops must be plainly marked to show the service and load ends and to what circuit each belongs.

§ 231.16 Location and installation of meters.

Meters will be furnished and installed by the United States. The consumer shall provide and maintain the necessary meter box or cabinet, switches, wiring, and test facilities. The locations of meters must be satisfactory to the Officer in Charge and in accordance with the following specifications:

(a) All meters must be located as near as possible to the point of entrance of the service, in a clean, dry, safe place, where they will be free from vibration.

(b) Meters must be in readily accessible locations so that the meter readers

and test men may have access to the meters without inconveniencing the consumer. Location on an open porch or in an approved shelter on the outside of a building will be satisfactory. Under no circumstance will meters be installed in attics, sitting rooms, bathrooms, rest rooms, bedrooms, kitchens, or over stoves, sinks, tubs, doors, windows, or in any location where the visits of the meter reader or tester will cause annoyance to the consumer.

(c) No meter will be installed more than 7 feet nor less than 6 feet above the floor or working level. Meters must not be located above stairways, porch steps, basement entrances, nor in any place where a short step ladder or chair cannot be safely placed for reaching the meter. For underground installation, meters will be placed on approved pedestals.

(d) Meter boards must be furnished by the consumer where meters are to be set on lath and plaster, concrete, brick, stone, metal, or uneven surfaces, or in other places where the meter cannot be conveniently supported directly on the wall or pole. Meter boards must be not less than three-quarters of an inch thick, of sound wood, surfaced on all sides and of ample dimensions for the meters. They must be mounted in a substantial manner with their faces set truly vertical.

(e) A working space of not less than 36 inches must be provided and maintained in front of every meter and meter box.

(f) Where current and potential transformers are required for use with meters, ample provision shall be made by the consumer for their mounting, and a ground wire shall be provided.

(g) Where two or more meters are to be placed on one building, they must be grouped at one common place, unless special permission is granted by the Officer in Charge.

(h) No load wires of any description shall be carried within the same conduit as the supply wires except in cases of pole metering for rural customers. Tampering or in any way interfering with a meter or its connections is prohibited.

§ 231.17 Consumer responsible for equipment.

The consumer shall, at his own risk and expense, furnish, install, and keep in good and safe condition all electric wires, machinery, and apparatus which may be required for receiving electric energy from the United States, and for applying and utilizing such energy, including all necessary protective devices.

§ 231.18 Change of consumer's equipment.

In the event the consumer shall make any appreciable load change either in the amount or character of the electric lamps, appliances, machinery, or apparatus installed upon his premises, he shall immediately give the Officer in Charge written notice thereof.

§ 231.19 Apparatus detrimental to service.

(a) The Officer in Charge may refuse to supply loads of a character that may seriously impair service to other consumers. He may require the consumer to provide suitable equipment to limit load fluctuations.

(b) All motors shall be provided with suitable starting devices or apparatus to limit their starting current. Motors of 15 h.p. and above shall be equipped with sufficient capacitance to maintain a minimum power factor of 90 percent.

(c) The Officer in Charge may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the service after he has been notified to correct the condition and has failed to do so within a prescribed time.

§ 231.20 Wiring standards.

(a) All wiring and electrical apparatus on consumers' premises shall be installed in accordance with and conform to standards as prescribed by applicable local, county, or State code, or Federal regulations, or the National Board of Fire Underwriters, as determined by the Officer in Charge.

(b) The United States reserves the right to make all service connections. No service will be connected where an inspection is required until the installation has been inspected and approved by the inspector.

§ 231.21 Meter reading.

Meters will be read at regular intervals. Should the seal of the meter be broken by other than the proper representative of the United States, or in case the meter fails to register correctly, the amount of power used by the consumer will be estimated from the records of his previous use and other available and proper information.

§ 231.22 Bills.

(a) Bills for electric service will be rendered monthly. Payments shall be made at the designated office of the Colorado River Agency. On initial connection the consumer will be billed on actual consumption if connection was made within 15 days prior to meter reading. Any period over the 15 days will be considered a full billing period.

(b) Removal bills, special bills, bills for temporary service, or bills rendered to persons discontinuing service are payable on presentation.

(c) Bills for a connection or reconnection service, and payments for deposits, shall be paid before service is connected or reconnected. Reconnection service will be performed on advance payment of $10 and/or overtime if required.

(d) Uncollected bills that require action by the U.S. Department of the Interior Solicitor's Office for collection shall include 50 percent administrative charge plus 1½ percent per month interest charge from date of delinquency.

§ 231.23 Discontinuance of service on failure to pay bills.

(a) Bills are due and payable upon receipt. On failure of the consumer to pay his bill for electric service within 15 days after the billing date, the Officer in Charge shall discontinue the supply of energy, and service to th same consumer will not be resumed at the same or at any other location until the consumer has paid all bills then due, plus a reconnection charge of $10 during normal work hours, or $10 plus overtime expenses during nonwork hours.

(b) Checks returned due to insufficient funds or any other reason are considered nonpayment of bill and the Officer in Charge may discontinue the supply of energy and service as provided in paragraph (a) of this section. An accounting charge of $5 will be made to the consumer in addition to the applicable reconnect charge as provided in paragraph (a) of this section.

§ 231.24 Disputed bills.

In case of a dispute between the consumer and Officer in Charge as to the correct amount of any bill for electric service furnished the consumer, the consumer may protest by depositing with the Officer in Charge the amount of the bill and file a written statement of his claim. The matter shall then be referred to the Commissioner of Indian Affairs as provided in § 231.3. Service will continue if the amount of each bill, as it becomes due, is deposited within 15 days of the date shown on the billing, pending a decision on the appeal.

§ 231.25 Notice by consumer.

A consumer about to vacate premises who desires discontinuance of service shall give a written request at least 2 days prior thereto, specifying the date he desires service to be discontinued. If such notice is not given, he will be held responsible for all electric energy furnished to such premises until the service is discontinued.

§ 231.26 Fraud; tampering.

Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the United States is prohibited, and any violation of this provision shall be subject to prosecution pursuant to law. Service will be discontinued to any premises at any time when in the opinion of the Officer in Charge such action is necessary to protect against abuse, fraud, or theft.

§ 231.27 Resale of electric power.

Service will be discontinued should a consumer resell electric energy delivered to such consumer from the Project electric power system without prior written permission of the Officer in Charge to do so, and subject to such terms and conditions as he may impose.

§ 231.28 Compensation of employees.

All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer.

§ 231.29 Noncompliance with rules.

Should a consumer be found to be violating these rules and regulations and should he not remedy the violation, the Officer in Charge may discontinue electrical service. Except in cases of emergency or as otherwise provided, the consumer will be given written notice of at least 5 days. The notice shall state the particular rule or regulation that has been violated and inform the consumer of the action to be taken. Advance notice need not be given in the event of the discovery of a dangerous consumer-caused condition.

§ 231.30 Definition of maximum demand.

The maximum demand for each month shall be defined as the average amount of power used by the consumer during that period of 30 consecutive minutes when such average is the greatest for that month as determined from time to time by the United States by suitable meters or other means.

§ 231.31 Interruptions to service.

The United States will furnish energy continuously so far as reasonable diligence will permit but the United States, its officers, agents, or employees shall not be liable for damages when, for any reason, suspensions of the operation of the power system of the United States, or any part thereof, interfere with the delivery of electrical energy to a consumer. Should such suspensions occur due to causes arising on the system of the United States, the minimum bills of consumers who are affected may be reduced 1 percent for each 8 hours or major fraction of total suspension occurring in 1 month.

§ 231.32 Written claim.

The consumer may make written claim, within 30 days after date of monthly bill, for reduction on account of any suspension or suspensions alleged to have occurred and not considered in such bill. If written claim is not made within 30 days, claim shall be deemed to have been waived. If any dispute arises as to whether there was a suspension of service, or whether any such suspension was due to causes arising on the power system, the matter shall be referred to the Commissioner of Indian Affairs as provided in § 231.3.

§ 231.33 Contingent upon appropriations.

All contracts are subject to appropriations being made by Congress from year to year of moneys sufficient to do the work provided for therein, and to there being sufficient moneys available to permit allotments to be made for the performance of said work. No liability shall accrue against the United States by reason of such moneys not being appropriated, nor on account of there not being sufficient moneys to permit sufficient allotments.

§ 231.34 Minimum contract period.

The minimum contract period is 1 year. The contract, however, may be terminated if the consumer vacates the premises, except in cases where an extension has been constructed to supply the consumer as stated in §§ 231.5 and 231.7.

§ 231.51 Rate Schedule No. 1—residential rate.

(a) *Application.* This schedule applies to electrical service delivered through one meter to a consumer, either urban or rural, for domestic use.

(b) *Monthly rate.* (1) $5 for the first 150 kilowatt-hours or less.

(2) 2.5 cents per kilowatt-hour for the next 150 kilowatt-hours.

(3) 1.8 cents per kilowatt-hour for the next 1,700 kilowatt-hours.

(4) 1.6 cents per kilowatt-hour for the next 1,500 kilowatt-hours.

(5) 1.4 cents per kilowatt-hour for all additional kilowatt-hours.

§ 231.52 Rate Schedule No. 2—commercial rate.

(a) *Application.* This schedule shall apply to all electrical power use other than domestic, irrigation, and Agency. Domestic power consumed in residential dwellings which are also used for commercial purposes shall be billed under this schedule.

(b) *Monthly rate.* (1) Energy charge:

(i) $4.50 per month for the first 100 kilowatt-hours or less.

(ii) 2.5 cents per kilowatt-hour for next 900 kilowatt-hours.

(iii) 2.1 cents per kilowatt-hour for next 4,000 kilowatt-hours.

(iv) 2.1 cents per kilowatt-hour for next 150 kilowatt-hours per kilowatt of billing demand over 25 kilowatts.

(v) 1.5 cents per kilowatt-hour for next 5,000 kilowatt-hours.

(vi) 0.9 cent per kilowatt-hour for all additional kilowatt-hours.

(2) Demand charge:

(i) None for first 25 kilowatts of billing demand.

(ii) $0.50 per kilowatt for next 125 kilowatts of billing demand.

(iii) None for all additional kilowatts of billing demand.

(3) Minimum charge:

(i) $4.50 or $1 per kilowatt of billing demand, or the amount specified in a contract, whichever is greatest.

(4) Billing demand: The highest 15-minute integrated demand in kilowatts occurring during the month, or the demand specified in a contract, whichever is greater.

§ 231.53 Rate Schedule No. 3—irrigation pumping rate.

(a) Application: This schedule shall apply to power used for pumping of irrigation water for irrigation systems approved by the Officer in Charge.

This schedule is not applicable to temporary, breakdown, standby, supplementary, nor resale service.

(b) Monthly rate:

(1) Demand charge—$1.00 per kilowatt of billing demand.

(2) Energy charge—9 mills per kilowatt-hour.

(3) Billing demand—The maximum kilowatts measured during the 12 months ending with the current month, or the kilowatts specified in a contract, whichever is greater.

(4) Minimum charge—The demand charge, or the amount specified in a contract, whichever is greater.

§ 231.54 Rate Schedule No. 4—street and area lighting.

(a) Application: This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate, and maintain the lighting system, including normal lamp and globe replacement.

(b) Monthly rate:

Lamps	Per lamp	
	Metered	Unmetered
200 watts or less incandescent (2,500 lumens or less)	$1.80	$2.80
175 watts mercury vapor (approximately 6,500 lumens)	3.50	4.50
250 watts mercury vapor (approximately 10,000 lumens)	4.40	5.40
500 watts mercury vapor (approximately 18,000 lumens)	6.00	7.00

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Officer in Charge. Installation charges, the cost of wood poles or special steel, aluminum, or other supports; special fixtures; and the cost of underground service, will be charged as determined by the Officer in Charge. Special yellow lamps to repel insects will be subject to a surcharge of 50 cents per month; 12-month minimum; payable in advance.

[FR Doc.72-12723 Filed 8-11-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-1—GENERAL

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Miscellaneous Amendments

On pages 10507-10510 of the FEDERAL REGISTER of May 24, 1972, there were published notices of proposed rule making to issue regulations establishing policies and procedures applicable to treatment of technical data in contract proposals and the handling of documents submitted as unsolicited proposals. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received, and the proposed regulations are hereby adopted without change and are set forth below.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER (8–12–72).

Dated: August 1, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

Subpart 3–1.3—General Policies

A new § 3–1.353 is added to Subpart 3–1.3, as follows:

§ 3–1.353 Treatment of technical data in contract proposals.

(a) *General.* Technical data (such as plans, designs, suggestions, improvements or concepts) acquired by HEW may have been obtained under conditions which restrict HEW's right to use the data. Therefore, care must be taken when considering the use of technical data to assure that HEW has sufficient rights to use the data in the manner desired. One of the principal ways in which HEW receives technical data is by means of proposals. HEW has a continuing interest in receiving and evaluating proposals which are pertinent to its potential needs in carrying out its objectives and goals. Some proposals are offered and received under conditions which may prevent HEW from using the technical data contained therein other than for evaluation purposes. Proposals received by HEW are of two types—solicited and unsolicited. The policies and procedures for handling unsolicited proposals are set forth in Subpart 3–4.52.

(b) *Definitions*—(1) *Unsolicited proposal.* Essentially, an unsolicited proposal is a written offer to perform work which does not result from a formal written request for proposals or quotations. See Subpart 3–4.5201 for a definitive definition.

(2) *Solicited proposal.* A solicited proposal is a written offer to perform work which results from a formal written request for proposals or quotations.

(c) *Policy for unsolicited proposals.* It is the policy of HEW to use technical data included in unsolicited proposals for evaluation purposes only. However, due to the administrative problems involved in handling the large number of unsolicited proposals received, the Government cannot assume liability for disclosure or use of such technical data unless it is marked by the offeror in accordance with the legend set forth below. The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552). Each proposal containing technical data, which the offeror intends to be used by HEW for evaluation purposes only, should be marked on the cover sheet with the following legend and shall specify the pages of the proposal to be restricted in accordance with the conditions of the legend:

> Technical data contained in pages ____ of this proposal shall not be used or disclosed, except for evaluation purposes: *Provided,* That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction.

Contracting officers and other Government personnel shall not refuse to consider any proposal merely because the proposal is restrictively marked. Proposals, or portions thereof, so marked shall be used only for evaluation and shall not otherwise be used or disclosed without the written permission of the offeror except under the conditions provided in the legend. In the event an unsolicited proposal is submitted with more restrictive conditions than those provided in the legend above, HEW may be unable to consider it, in which case the offeror should be so advised, see § 3–1.353(f)(2).

(d) *Policy for solicited proposals*—(1) HEW recognizes that requests for proposals may require the offeror, including his subcontractor(s), if any, to submit technical data which the offeror or his subcontractor(s) does not want used or disclosed for any purpose other than for evaluation of the proposal. Each proposal containing technical data which the offeror or his proposed subcontractor(s) desires to restrict shall be marked on the cover sheet by the offeror with the legend set forth in subparagraph (2) of this paragraph. Proposals, or portions thereof, so marked shall be used only for evaluation and shall not otherwise be used or disclosed without the written permission of the offeror except under the conditions provided in the legend. The Government assumes no liability for disclosure or use of unmarked technical data in solicited proposals and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

(2) The following provision shall be inserted in the RFP:

> The proposal submitted in response to this request may contain technical data which the offeror or his subcontractor(s) does not want used or disclosed for any purpose other than for evaluation of the proposal. The use and disclosure of any such technical data may be so restricted: *Provided,* The offeror marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend:
>
> Technical data contained in pages ____ of this proposal shall not be used or disclosed, except for evaluation purposes: *Provided,* That if a contract is awarded to this offeror as a result of or in connection with the submission of this proposal, the Government shall have the right to use or disclose this technical data to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose technical data obtained from another source without restriction. The Government assumes no liability for disclosure or use of unmarked technical data and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore releasable under the Freedom of Information Act (5 U.S.C. 552).

Proposals submitted with restrictive legends or statements differing from the above legend will be treated under the terms of the above legend.

(e) *HEW notice for handling proposals.* In order that both solicited and unsolicited proposals are handled in accordance with the policies set forth in paragraphs (c) and (d) of this section, the following notice shall be affixed to each solicited and unsolicited proposal which is to be disclosed outside the Government for evaluation purposes in accordance with the policies and procedures set forth in paragraph (f) of this section. Application of the following notice in no way alters any obligation of the Government or diminishes any rights to use or disclose technical data or business information.

HEW NOTICE FOR HANDLING PROPOSALS

> This proposal shall be used or duplicated only for evaluation purposes and this notice shall be applied to any reproduction or abstract thereof.
>
> Disclosure of this proposal outside the Government for evaluation purposes shall not be made unless the policy and procedures prescribed by HEW Procurement Regulation § 3–1.353(f)(2), including the requirements for approval and for an arrangement with the outside evaluator prior to disclosure, are followed.
>
> The restrictions contained in this notice do not apply to technical data or business information obtained from another source without restriction.

(f) *Disclosure of solicited and unsolicited proposals outside the Government*—(1) *Policy.* It is the policy of HEW to have proposals evaluated by the most competent technical and management sources available in the Government. However, in processing a proposal for evaluation, HEW may find in some instances that it is necessary to disclose a proposal outside the Government to meet its evaluation needs. Such outside evaluation may be made provided the requirements in subparagraphs (2) and (3) of this paragraph are met.

(2) *Approval.* Decisions to disclose proposals outside the Government for evaluation purposes shall be made by the chief official of the requiring organization having programmatic responsibility for the procurement, after consultation with the contracting officer for the procuring activity, and in accordance with agency procedures. (Copies of any agency implementing procedures shall be sent to the Director, Office of Procurement and Materiel Management (OASAM).) The decision to disclose either a solicited or unsolicited proposal outside the Government for the purpose of obtaining an evaluation shall take into consideration avoidance of organizational conflicts of interest and the competitive relationship between the originator of the proposal and the prospective evaluator.

(3) *Evaluation of unsolicited proposals.* Should an unsolicited proposal under consideration contain a restrictive use statement or legend other than the legend prescribed in paragraph (c) of this section, the legend or statement should be reviewed to assure that it does not preclude HEW from disclosing the proposal outside the Government for purposes of obtaining an evaluation. In the event HEW is so precluded and an outside evaluation is nevertheless desired, the offeror should be advised that HEW may be unable to consider the proposal unless the offeror consents in writing to having the proposal evaluated outside the Government.

(4) *Conditions of outside evaluation.* Where it is determined to disclose a proposal outside the Government pursuant to subparagraph (2) of this paragraph, the following conditions, or similar appropriate conditions for the treatment of the proposal, shall be included in the agreement with the evaluator prior to such disclosure. Also, review should be made to assure that the notice required by paragraph (e) of this section is affixed to the proposal before it is disclosed to the evaluator.

CONDITIONS FOR EVALUATING PROPOSALS

The evaluator agrees to use the technical data and business information contained in the proposal only for evaluation purposes.

This requirement does not apply to technical data or business information obtained from another source without restriction.

Any notice or legend placed on the proposal by either HEW or the originator of the proposal shall be applied to any reproduction or abstract thereof. Upon completion of the evaluation, the evaluator shall return all copies of the proposal and abstracts, if any, to the HEW office which initially furnished the proposal for evaluation.

Unless authorized by the HEW initiating office, the evaluator shall not contact the originator of the proposal concerning any aspects of its contents.

The evaluator will be obligated to obtain commitments from its employees in order to affect the purposes of these conditions.

(g) *Evaluation and testing of equipment and material.* Should evaluation of a proposal include the evaluation and testing of equipment or material submitted with the proposal, neither the Government nor any person acting on behalf of the Government assumes any liability to the submitter of the proposal, or any person acting on his behalf, in connection with any damage, loss, injury, or destruction resulting from such evaluation, and testing.

A new Subpart 3–4.52 is added to Part 3–4, to read as follows:

Subpart 3–4.52—Unsolicited Proposals

AUTHORITY: The provisions of this Subpart 3–4.52 issued under 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 3–4.52—Unsolicited Proposals

§ 3–4.5200 Scope of subpart.

This subpart provides policies and procedures applicable to the handling of documents submitted as unsolicited proposals.

§ 3–4.5201 Definition.

An "unsolicited proposal" is a written offer to perform research and development work (including feasibility studies and demonstrations) submitted to the Government by an organization or individual solely on its own initiative and without prior formal or informal solicitation. Unsolicited proposals purport to represent original effort by the offeror, in the form of new and unique ideas, and are offered in the hope that the Government will support the offeror in the further pursuit of the research and development activities proposed therein.

§ 3–4.5202 Policy.

§ 3–4.5202–1 General.

(a) It is the policy of HEW that its operating agencies inform the public of technological and scientific (including the behavioral and social sciences) areas encompassed by the Department's mission, and to encourage organizations and individuals to originate valuable ideas relevant to the furtherance thereof and to submit such ideas in unsolicited proposals.

(b) All unsolicited proposals should be specific and, as a minimum, include the information set forth below. Although it is desired that unsolicited proposals be prepared in conformance with the standards set forth below, agencies may accept unsolicited proposals for evaluation purposes which do not conform thereto:

(1) Name and address of the organization or individual submitting the proposal;

(2) Date of preparation or submission;

(3) Type of organization (profit, nonprofit, educational, other);

(4) Concise title and clear and concise abstract. Extensive material should be included only in appendices;

(5) An outline and discussion of the purpose of the proposed effort or activity, the method of attack upon the problem, and the nature and extent of the anticipated results;

(6) Names of the key personnel to be involved (name of principal investigator, if applicable), brief biographical information, including principal publications and relevant experience;

(7) Proposed starting and completion dates;

(8) Equipment, facility, and personnel requirements;

(9) Proposed budget, including separate cost estimates for salaries and wages, equipment, expendable supplies, services, travel, subcontracts, other direct costs and overhead;

(10) Names of any other Federal agencies receiving the unsolicited proposal and/or funding the proposed effort or activity;

(11) Brief description of the offeror's facilities, particularly those which would be used in the proposed effort or activity;

(12) Brief outline of the offeror's previous work and experience in the field;

(13) A current financial statement and, if available, a descriptive brochure;

(14) Period for which unsolicited proposal is valid;

(15) Names and telephone numbers of offeror's primary business and technical personnel whom the agency may contact during evaluation and/or negotiation;

(16) Identification, on the cover sheet, of technical data which the offeror intends to be used by HEW for evaluation purposes only (see § 3–1.353(c) of the HEWPR); and

(17) Signature of a responsible official of the proposing organization or a person authorized to contractually obligate such organization.

(c) Unsolicited proposals should be submitted well in advance of the desired beginning of support, and in ample copies (five copies as a minimum) to allow simultaneous study by all reviewers.

(d) All unsolicited proposals shall be acknowledged as soon after receipt as possible and should be processed in an expeditious manner.

§ 3–4.5202–2 Treatment of technical data in unsolicited proposals.

The treatment of technical data contained in unsolicited proposals and the legends to be used are contained in § 3–1.353 of the HEWPR.

§ 3–4.5202–3 Method of procurement.

(a) It is HEW's policy to obtain competition whenever possible (see § 1–1.301–1). However, if a decision is made to award a contract to an offeror on the basis of an unsolicited proposal, the procurement will be conducted without competition.

(b) Subject to the provisions of § 3–4.5203–3(a), a document which qualifies as an unsolicited proposal may not serve as the basis for a competitive solicitation of proposals. Therefore, a determination must be made as to whether a document qualifies as an unsolicited proposal during the preliminary review of the document in accordance with § 3–4.5203–1.

§ 3–4.5202–4 Grant applications.

(a) Research and development work is supported by every agency of HEW through grants as well as contracts. Procedures for the handling of grant applications vary from agency to agency and, often, from program to program within particular agencies.

(b) Procurement officials shall not refuse to consider any unsolicited proposal merely because it was initially submitted as a grant application. However, contracts shall not be awarded on the basis of unsolicited proposals which have been rejected for grant support on the ground that they lack scientific merit.

(c) The propriety of awarding a contract to support research and development work based upon an unsolicited proposal shall be determined in accordance with the criteria prescribed in Subpart 3–1.53.

§ 3–4.5203 Procedure.

§ 3–4.5203–1 Preliminary review.

(a) A preliminary review of each document submitted as an unsolicited proposal shall be conducted by program personnel of the receiving agency to determine that it:

(1) Contains sufficient technical and cost information to enable meaningful evaluation;

(2) Has been approved by a responsible official of the proposing organization or a person authorized to contractually obligate such organizations; and

(3) Does not merely offer to perform standard services, such as routine analyses or testing in accordance with established procedures, or to provide "off-the-shelf" articles.

(b) In addition, the reviewing program official shall make a written determination as to whether the document is truly unsolicited. In making such determination, consideration shall be given to all relevant circumstances, including whether the document may have resulted from: (1) The close professional relationships that frequently develop between program representatives and their counterparts in the scientific community; or (2) the inadvertent disclosure by program personnel of information relating to specific projects being contemplated by HEW or its agencies.

(c) If the document does not meet the requirements of paragraph (a) of this section, or is determined not to be truly unsolicited, a comprehensive evaluation need not be made, and the document may be considered and handled as correspondence or advertising. In such cases a prompt reply shall be sent to the offeror indicating how the document is being interpreted and the reason(s) for not considering it an unsolicited proposal.

(d) When a document, based upon preliminary review, qualifies as an unsolicited proposal, it shall be circulated for comprehensive evaluation in accordance with § 3–4.5203–2, and a copy thereof, together with the reviewing official's written determination, shall be furnished to the chief procurement official of the agency.

§ 3–4.5203–2 Comprehensive evaluation.

(a) Every unsolicited proposal that is circulated for comprehensive evaluation shall have attached or imprinted a legend identifying it as an unsolicited proposal, and stating that it may be used only for purposes of evaluation. See § 3–1.353 (c) and (e) of the HEWPR.

(b) In evaluating an unsolicited proposal, the evaluating office(s) shall consider, in addition to any other criteria, the following factors:

(1) The overall scientific and technical merit of the proposed effort;

(2) The potential contribution which the proposed effort is expected to make to specific program objective(s), if supported at this time;

(3) The unique capabilities, related experience, facilities, instrumentation, or techniques which the offeror possesses and offers, and which are considered to be integral factors for achieving the scientific, technical, or technological objective(s) of the proposal;

(4) The unique qualifications, capabilities, and experience of the proposed principal investigator and/or key personnel.

(c) Comprehensive evaluation shall be coordinated according to procedures to be established pursuant to § 3–4.5203–4. If an unsolicited proposal is not to be accepted, the offeror shall be informed by a suitable letter. A copy of such letter and associated unsolicited proposal shall be retained in the files of the agency contracting officer.

§ 3–4.5203–3 Procurement procedure.

(a) *Competitive procurement.* (1) When a document qualifies as an unsolicited proposal, but its substance is available to HEW without restriction from another source, or its substance closely resembles that of a pending competitive solicitation or otherwise is not sufficiently unique to justify acceptance, HEW's policy of obtaining competition applies (see § 3–4.5202–3).

(2) When procurement is intended and competition is feasible, the unsolicited proposal shall be rejected, as in § 3–4.5203–2. All readily available copies (excluding the contracting officer's official file copy) shall be returned to the offeror.

(b) *Noncompetitive procurement.* (1) A favorable technical evaluation of an unsolicited proposal is not, in itself, sufficient justification for negotiating on a noncompetitive basis with the offeror. When an unsolicited proposal has received a favorable technical evaluation and it is determined that the substance thereof is not available to HEW without restriction from another source, or competition is otherwise precluded, the subject matter of such unsolicited proposal may be procured from the offeror on a noncompetitive basis. The program office sponsoring the procurement shall support its recommendation with a "Justification for Acceptance of Unsolicited Proposals." The "Justification" shall include the findings set forth in subdivision (i) or (ii) of this subparagraph:

(i) The procurement is for basic scientific or engineering research; and the unsolicited proposal was selected on the basis of its overall merit, cost and contribution to the agency's program objectives, after a thorough evaluation and comparison with other proposals, solicited or unsolicited, in the same or related fields; or

(ii) The procurement is for services other than basic research (e.g., development, feasibility studies, etc.); the unsolicited proposal contains technical data or offers unique capabilities that are not available from another source; and it is not feasible or practical to define the Government's requirement in such a way as to avoid the necessity of using the technical data contained in the unsolicited proposal.

(2) In addition, the "Justification" shall include the facts and circumstances that support the recommendation action. The following illustrations represent factors which should be considered, as appropriate, in preparing the "Justification."

(i) The scientific/technical merits of the unsolicited proposal and its potential contribution to the agency's program objectives;

(ii) The qualifications, capabilities, and related experience of the offeror, principal investigator, and/or key personnel;

(iii) Unique facilities, instrumentation, or techniques; and

(iv) Circumstances that operate to preclude competitive negotiation.

(3) The "Justification for Acceptance of Unsolicited Proposal" shall be submitted to the contracting officer together with, but as a separate document from, the request for contract, and shall be signed by the same official of the cognizant program office who signs the request for contract. Approval of the "Justification" shall be made at the same level as prescribed in § 3–3.802–50 (d) for approval of "Justifications for Noncompetitive Procurements."

(c) *Negotiation.* Formal RFP's or RFQ's shall not be issued to obtain additional information required for the negotiation of contracts based on unsolicited proposals. The unsolicited proposal itself constitutes the basis for negotiation and any further technical or budgetary information requested or received shall be considered to supplement, amend or revise the original accepted unsolicited proposal.

§ 3–4.5203–4 Implementation.

The chief procurement official of each operating agency will develop guidelines for, and participate in, the receipt, proper handling, and disposition of unsolicited proposals from all sources.

[FR Doc.72-12763 Filed 8-11-72;8:50 am]

Chapter 114—Department of the Interior

PART 114–43—UTILIZATION OF PERSONAL PROPERTY

Scope of Part

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 114–43 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This change will become effective on the date of publication in the FEDERAL REGISTER (8–12–72).

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

AUGUST 4, 1972.

Section 114–43.000 is amended to read as follows:

§ 114–43.000 Scope of part.

This part applies to all available and excess personal property under the jurisdiction of Bureaus and Offices of the

Department of the Interior, including foreign excess personal property as defined in IPMR 114-43.104-53, but excluding policies governing reutilization of excess automatic data processing equipment and supplies which are covered in FPMR 101-32.3.

[FR Doc.72-12716 Filed 8-11-72;8:46 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense and Department of Army

Section 213.3306 and § 213.3307 are amended to show that the Office of Civil Defense, Office of the Secretary of the Army, has been redesignated Defense Civil Preparedness Agency, Office of the Secretary of Defense.

Effective on publication in the FEDERAL REGISTER (8-12-72), paragraph (e) is added to § 213.3306 and subparagraphs (4), (5), and (7) of paragraph (a) of § 213.3307 are revoked as set out below.

§ 213.3306 Department of Defense

* * * * *

(e) *Defense Civil Preparedness Agency.*

(1) The Director.

(2) One Special Assistant to the Director.

(3) One Labor Liaison Advisor to the Director.

§ 213.3307 Department of the Army.

(a) *Office of the Secretary.* * * *

(4) [Revoked]

(5) [Revoked]

* * * * *

(7) [Revoked]

* * * * *

(5 U.S.C. Secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc.72-12861 Filed 8-11-72;8:55 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

[28 CFR Part 17]

HEARING AND APPEAL PROCEDURE

Proposed Purpose and Scope

The Law Enforcement Assistance Administration proposes to add a new Part 17 to Chapter I, of Title 28 of the Code of Federal Regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed procedures to the Office of General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, DC 20530, within 45 days after the date of publication of this notice in the FEDERAL REGISTER.

The overall purpose of this procedure is to implement the proceedings authorized by the administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, subchapter of Chapter 46 of Title 42 of the United States Code. This procedure is set up to provide public hearings with all the traditional administrative procedure safeguards. Hearings are provided to achieve resolution of disputed issues by the fastest and most inexpensive means. The procedure is based upon the theory that open proceedings and full consideration of all facts is the best course. Any contrary language in the procedure should be strictly construed.

Five kinds of proceedings are set out in this procedure:

(i) Compliance hearings for block, planning, discretionary, institute, etc. fund withholdings, denials or terminations;

(ii) Compliance hearings on alleged discrimination under Title VI of the Civil Rights Act of 1964;

(iii) Compliance hearings for a State subgrantee alleging abuse of the State hearing and appeal procedures;

(iv) An adjudicative hearing for discretionary, national institute, education and training related grant, grantee, or applicant allegations; and

(v) An administrative investigation prior to hearing to determine the necessity for a hearing, to gather information, and to attempt resolution short of the statutory remedies.

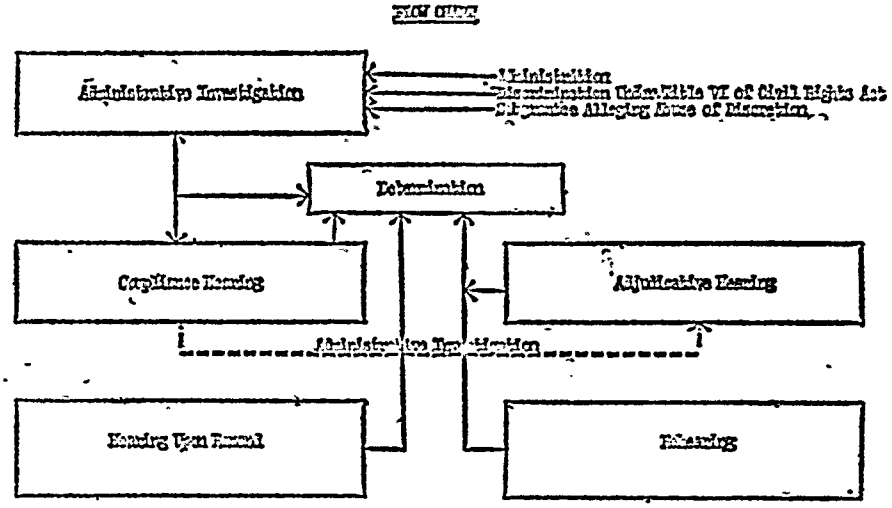
From a procedural viewpoint, the compliance and adjudicative hearings and the administrative investigation are the main proceedings. In the compliance hearings, the Administration initiates the proceedings and generally carries the burden of proof. Such hearing may be used, but do not necessarily have to be used, in the compliance plan approval/disapproval process. In the adjudicative hearing, the applicant or grantee initiates the proceedings and generally carries the burden of proof. Finally, in the administrative investigation, the Administration carriers on an inquiry within a general adversarial framework, which however does not provide for any final proof.

Each hearing authorized under this administrative procedure closely follows the standards set out in the Administrative Procedure Act, 5 U.S.C. Sec. 550 et seq. The administrative investigation, on the other hand, represents an innovative proceeding more within the implied rules and spirit of the Administrative Procedure Act than within its literal language. The investigation serves two primary functions: (1) Information gathering, and (2) opportunity for citizen input. The administrative investigation is intended to run as an administrative equivalent to a grant jury to the extent that information can be gathered by the investigation for possible use in later hearings and that citizens may present a grievance on their own behalf against a grantee or applicant. However, the administrative investigation is unlike a grand jury proceeding in that both parties may present evidence, although generally not in person, and that no substantial rights of the parties are affected at this stage, unless the investigator finds that the issues are not justiciable and do not merit further consideration. Thus, the administrative investigation provides a flexible and inexpensive means for considering a wide variety of grievances and for disposing of claims and complaints which are without merit. The determinations of the investigation are final but any subsequent hearing constitutes a trial de novo on the facts at issue.

The wide latitude given by these procedures do not necessarily constitute a widening of the rules applicable to permissible complainants. In all hearings, the only permissible parties remain the Administration, applicants, or grantees. However, the administrative investigation permits complaints by a wide variety of individuals, although the Administration still retains ultimate discretion.

The hearing procedure itself contains two noteworthy features. First, there is a provision for a prehearing conference prior to any hearing under the procedures. This feature would streamline the proceeding and promote smoother operation. Second, the procedure provides for discovery through the use of oral and written depositions, written interrogatories, and subpenas duces tecum. The purpose here would also be to facilitate the adjudication of cases.

For your aid in understanding the process, a flow chart is attached.



PART 17—LEAA ADMINISTRATIVE REVIEW PROCEDURE

§ 17.1 Purpose and scope of the rules.

In order to accomplish the purposes of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, to promote and insure the fair distribution of all funds controlled by the Law Enforcement Assistance Administration, and to insure compliance with the applicable laws and regulations, the rules and procedures set forth in this part shall be observed by all individuals and organizations applying for or receiving funds, either directly or through intermediate agencies, from the Law Enforcement Assistance Administration. The rules and procedures of this part govern all proceedings authorized under Chapter 46 of Title 42 of the United States Code.

§ 17.2 Definitions.

(a) Administration—The term "Administration" means the Law Enforcement Assistance Administration, as established under Chapter 46 of Title 42 of the United States Code, and includes every organizational instrumentality thereof.

(b) Applicant—The term "applicant" means any person who is authorized to apply directly to the Administration, under Chapter 46 of Title 42 of the United States Code, for a grant.

(c) Grant—The term "grant" means a direct distribution of funds between the Administration and the person to whom the funds have been allocated.

(d) Grantee—The term "grantee" means any person who is receiving a grant from the Administration.

(e) Party—The term "party" means any person authorized under Chapter 46 of title 42 of the United States Code to actively participate in hearings or investigation proceedings.

(f) Person—The term "person" means any real, corporate, or governmental entity.

(g) Proceeding—The term "proceeding" means either a hearing or an investigation.

(h) Public Hearing—The term "public hearing" means a hearing in which any party may proffer evidence, and in which any person may be present and may testify with the permission of the hearing examiner.

(i) Qualified Counsel—The term "qualified counsel" means any individual who is a member in good standing of the bar of the highest court of a State, which includes the Commonwealth of Puerto Rico, the District of Columbia, the Territories of Guam, the Virgin Islands, and American Samoa.

(j) Region—The term "region" means any one of the ten (10) geographical divisions of the Administration.

(k) State Planning Agency—The term "State planning agency" means any organization established and operating under the authority of Subchapters II and III of Chapter 46 of title 42 of the United States Code.

(l) Subgrant—The term "sub-grant" means a distribution of funds between a State planning agency and the person to whom the funds have been allocated.

(m) Subgrant Applicant—The term "sub-grant applicant" means any person who is authorized to apply to a State planning agency for a sub-grant according to the rules and procedures promulgated by such State planning agency under 42 U.S.C. section 3733.

(n) Subgrantee—The term "subgrantee" means any person who is receiving a sub-grant from a State planning agency.

(o) Substantial Evidence—The term "substantial evidence" means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

(p) Substantial Failure—The term "substantial failure" means a failure which is more than a trifling deviation or technical defect and need not be wrongfully or intentionally effected.

AUTHORIZED PROCEEDINGS

§ 17.31 Compliance hearing.

Every hearing held under the authority of 42 U.S.C. section 3757 shall be known as a "compliance hearing." Such hearing shall be initiated by the Administration if, within ten (10) days after serving a notice of noncompliance by registered mail upon an applicant or grantee, each notified applicant or grantee makes written request to the Administration for a hearing. Otherwise, the opportunity for hearing shall be deemed to have been waived. The Administration is authorized to serve a notice of noncompliance against any applicant or grantee in the following situations: Upon the written request of any person alleging discrimination, under the provisions of title VI of the Civil Rights Act of 1964, in any program funded by the Administration; upon the written request of a subgrantee or subgrant applicant alleging an abuse of a State planning agency's approved hearing and appeal procedures, as promulgated under the provision of 42 U.S.C. section 3733 (7); or, upon its own initiative, if it decides that there has been a substantial failure to comply with paragraphs (a), (b), and (c) of this section. The Administration shall withhold any payments made under Chapter 46 of title 42 of the United States Code after a waiver of hearing by the applicant or grantee or after a compliance hearing on the merits of the case, if the Administration determines that there has been a substantial failure on the part of the applicant or grantee to comply with and take affirmative action to comply with:

(a) The provisions of Chapter 46 of title 42 of the United States Code;

(b) The regulations of the Administration promulgated under Chapter 46 of title 42 of the United States Code;

(c) Any plan or application submitted under the provisions of Chapter 46 of title 42 of the United States Code.

Lesser sanctions available to the Administration include: Public disclosure of the failure to comply; injunctive action in the Federal courts; disallowance as a program or project cost of an expenditure that does not conform with LEAA standards; partial denial or cut-off of funds; imposition of additional requirements by special conditions; transfer of the grant to another grantee. Compliance hearings will be conducted according to the rules and procedures of this part.

§ 17.32 Administrative investigations.

Every investigation proceeding held under the authority of 42 U.S.C. section 3758(b) shall be known as an "administrative investigation." Such investigation proceeding may be initiated by the Administration prior to the conduct of a hearing under § 17.33 to determine whether issues have been presented which are sufficient to warrant a hearing. An administrative investigation shall always be held prior to a hearing under § 17.33 if it appears that the application or grant request has already been subject to a determination under § 17.31, to decide whether matter has arisen or been newly discovered which is sufficient to require conducting additional proceedings on the issue or whether there was some defect in the conduct of the initial hearing sufficient to cause substantial unfairness in reaching the result therein. No hearing need be conducted under § 17.33 unless an administrative investigation finds that such a proceeding is required in the interest of fairness and due process. In addition, administrative investigations may be held at any time under the authority of 42 U.S.C. Sec. 3751 when the Administration deems such investigations necessary, except that any applicant or grantee alleged to be in noncompliance must be afforded a right to hearing under § 17.31. Administrative investigations will be conducted under the rules and procedures of this part.

§ 17.33 Adjudicative hearing.

Every hearing held under the authority of 42 U.S.C. section 3758(b) shall be known as an "adjudicative hearing." Such hearing may be initiated by an applicant or grantee at any time upon satisfaction of the rules and procedures of this part for the bringing of a claim. However, subgrantees or subgrant applicants may not initiate an adjudicative hearing. An applicant or grantee may initiate an adjudicative hearing only under the following circumstances:

(a) Rejection of an applicant's application; or

(b) Denial of any grant to grantee; or

(c) Reduction of a portion of a grant to a grantee; or

(d) Granting of a lesser amount than the applicant believes to be appropriate

under Chapter 46 of Title 42 of the United States Code.

Adjudicative hearings will be conducted according to the rules and procedures of this part.

§ 17.34 Prehearing.

Every hearing held under the authority of 42 U.S.C. section 3758(c) shall be known as a "rehearing." Such hearing may be initiated by an applicant or a grantee after final action under § 17.33 if he makes a written request for a rehearing within thirty (30) days after the issuance of the determinations and findings of fact by the Administration. Otherwise, the right of the applicant or grantee to a rehearing shall be deemed to have been waived. The Administration shall order a rehearing if it finds that the applicant or grantee has presented newly arisen or newly discovered matter which is sufficient to require the conduct of further proceedings on the issue, or the applicant or grantee has shown some defect in the conduct of the initial hearing sufficient to cause substantial unfairness in reaching the result therein. New or modified findings of fact and determinations may be given by the Administration after a rehearing. All rehearings shall be conducted under the rules and procedures of this part which govern adjudicative hearings.

§ 17.35 Hearing upon remand.

Every hearing held under the authority of 42 U.S.C. section 3759 shall be known as a "hearing upon remand." Such hearing will be initiated by the Administration upon remand from a court for further proceedings, concerning any final action of the Administration under §§ 17.31–17.34 or concerning an application or plan submitted under Chapter 46 of title 42 of the United States Code. New or modified findings of fact and determinations may be given by the Administration after a hearing upon remand. All hearings upon remand shall be conducted under the rules and procedures which govern compliance hearings.

PLEADINGS

§ 17.41 Claims.

(a) All hearings or rehearings, except for compliance hearings and hearings upon remand shall be initiated by the filing of a claim with the Administration.

(b) The applicant's or grantee's claim shall contain the following:

(1) Recital of the regulation under which the claimant is applying for review; and

(2) A clear and concise factual statement sufficient to inform the Administration with reasonable definiteness of the nature of petitioner's request and of the issues involved.

§ 17.42 Complaints.

(a) All compliance hearings and all hearings upon remand will be initiated by the issuance and services of a complaint by the Administration upon the applicant or grantee:

(1) In a compliance hearing, the complaint will contain notice to the applicant or grantee of the action to be taken and of his opportunity to request a hearing on the matter and will recite the allegations which form the basis of the complaint;

(2) In a hearing upon remand, the complaint will contain notice to the applicant or grantee of the proposed taking of evidence and of his opportunity to file an answer and will recite allegations based upon the issues remanded by the court.

(b) The applicant or grantee will have thirty (30) days in which to file an answer to the complaint.

(1) *Content of the answer.* If the allegations of fact in the complaint are contested, the applicant or grantee will give a concise statement of the facts constituting each ground of defense, will specifically admit, deny, or explain each fact alleged in the complaint or, if the applicant or grantee is without knowledge thereof, will state that he is without knowledge of the particular fact. All unanswered allegations of a complaint shall be deemed to have been admitted. If the allegations of fact in the complaint are not contested, the applicant's or grantee's answer shall consist of a statement that he admits all the material allegations to be true. Any admission will constitute a waiver of hearing as to that fact alleged and will provide a record basis for the hearing examiner to file recommendations. Such admissions will not affect the respondent's right to judicial review but will constitute final and conclusive evidences, as provided by statute.

(2) *Motion for a more definite statement.* Where a reasonable showing to the satisfaction of the hearing examiner is made by an applicant or grantee that he cannot frame a responsive answer based on the allegations contained in the complaint, he may move for a more definite statement of allegations by the Administration before he files an answer. Such a motion shall be filed within ten (10) days after service of the order granting the motion, and the applicant's or grantee's answer must be filed within ten (10) days after service of a more definite statement of allegations. If the motion for a more definite statement is denied, the applicant or grantee shall file his answer ten (10) days after service of the order of denial or thirty (30) days after service of complaint, whichever is later.

(3) *Default.* The failure of an applicant or grantee to file an answer within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the complaint and shall authorize the hearing examiner, without further notice to the respondent, to find the facts to be as alleged in the complaint and to enter a recommendation containing such findings and appropriate conclusions.

(c) Notwithstanding an applicant's or grantee's rights under this section, the Administration shall have the power to withhold further payments upon the service of a complaint under this section and a waiver of hearing, either expressly or through default, by the applicant or grantee.

§ 17.43 Notice of hearing.

The filing of a claim by an applicant or grantee under § 17.41 shall constitute adequate and due notice to him under the the rules and procedures of this part. The service of a complaint by registered mail on an applicant or grantee under § 17.42 shall constitute adequate and due notice to him under the rules and procedures of this part.

§ 17.44 Prehearing conference.

(a) *When permitted.* The hearing examiner, upon his own motion or upon application of either party, may call upon the parties to appear before him to consider:

(1) Simplification or clarification of the issues;

(2) Stipulations, admissions, agreements on documents, or other understandings which will avoid unnecessary proof;

(3) Limitation of the number of expert witnesses and of other cumulative evidence;

(4) Settlement of all or part of the issues in dispute;

(5) Such other matters as may aid in the disposition of the case;

(b) *Conference record.* The results of the conference shall be reduced to writing by hearing examiner within five (5) days after the close of the conference. Copies shall be duly served on the parties who may, within ten (10) days from receipt of the written record, file objection, comment, request for correction, or other motion pertaining to that record of prehearing conference. The record of prehearing conference, together with any objection, comment, request for correction, or other motion made by the parties shall become a part of the hearing record.

(c) *Admissions, agreements, and orders.* Admissions, agreements, and orders of the hearing examiner or the Administration, as set forth in the record of the prehearing conference, shall control the subsequent course of the proceedings and the conduct of hearing, except to the extent of subsequent modification pursuant to agreement between the parties or by the hearing examiner to prevent manifest injustice.

PROCEDURE FOR HEARINGS, REHEARINGS, AND HEARINGS UPON REMAND

§ 17.51 General rules.

(a) *Public hearings.* All hearings under this part shall be public unless otherwise ordered by the Administration. Prior to the holding of a public hearing, the Administration shall give notice of the hearing to all persons by posting announcement of the hearing in a newspaper of general circulation for at least

five (5) consecutive days immediately preceding the day of the hearing.

(b) *Initiation of hearings*—(1) *Generally.* All compliance hearings, adjudicative hearings, or rehearings relating to the distribution of funds under subchapters II, III, or IV–A or Section 3746 of Chapter 46 of Title 42 of the United States Code shall be initiated, under the provisions of § 17.4, in that regional office which exercises administrative control over the party's application or grant. All compliance hearings, adjudicative hearings, or rehearings relating to the distribution of funds under subchapter IV, exclusive of Section 3746, of Chapter 46 of Title 42 of the United States Code shall be initiated, under the provisions of § 17.4, at the Administration headquarters in Washington, D.C.

(2) *Hearings upon remand.* All hearings upon remand from judicial review under the provisions of 42 U.S.C. Section 3759 shall be initiated, under the provisions of § 17.4, at the Administration headquarters in Washington, D.C.

(3) *Rehearings.* The initiation of rehearings will be governed by the provisions of subparagraph (1) of this paragraph, except that any rehearing may be initiated at the Administration headquarters in Washington, D.C., at the discretion of the applicant or grantee.

(c) *Place of hearings*—(1) *Hearings initiated in regional offices.* A hearing which is initiated in a regional office may be held at any place within that region, at the discretion of the hearing examiner or the Administration.

(2) *Hearings initiated at the Administration headquarters.* A hearing which is initiated at the Administration headquarters in Washington, D.C., may be held at any place within any region, at the discretion of the hearing examiner or the Administration.

(d) *Expedition.* All hearings which are held under this part shall proceed in an expeditious manner. Such hearings shall be held in one place and shall continue without suspension until conclusion, except that a hearing examiner may call reasonable recesses, may order hearings to be held at more than one place when good cause for such action has been shown to the hearing examiner's satisfaction, and may order brief intervals to permit discovery under § 17.56. No other intervals shall be authorized for hearings except as directed by the administration.

(e) *Rights of parties.* Any party participating in a hearing under this part shall be given reasonable notice and opportunity for hearing, shall be allowed to present evidence on his behalf, shall be able to be represented at every stage of the hearing procedures by qualified counsel, shall be given the right to cross-examine witnesses, including the right to examine an adverse witness by leading questions and to contradict and impeach him, shall be allowed to object to the proffering of evidence, shall be given the right to bring motions on his behalf before the hearing examiner, shall be given the right to argument, and, further, shall have all other rights necessary for a fair hearing.

(f) *Participation.* Any party or any interested person or his representative may be sworn as a witness and heard.

§ 17.52 Presiding officials.

(a) *Who presides.* Any duly qualified hearing examiner or any member of the Administration so authorized by the Administration may hold a hearing under this part. The term "hearing examiner" as used in this part means and applies to any member of the Administration when so sitting.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Administration, who shall notify the parties of the hearing examiner designated.

(c) *Powers and duties.* Every hearing examiner shall have all of the following powers and duties:

(1) The power to hold hearings and regulate the course of the hearings and the conduct of the parties and their counsel therein;

(2) The power to sign and issue subpenas and other orders requiring access;

(3) The power to administer oaths and affirmations;

(4) The power to examine witnesses;

(5) The power to rule on offers of proof and to receive evidence;

(6) The power to take depositions or to cause depositions to be taken when the ends of justice are served;

(7) The power to hold conferences under § 17.44 for the settlement or simplification of the issues or for any other proper purpose;

(8) The power to consider and rule upon procedural requests and other motions, including motions for default;

(9) The duty to conduct fair and impartial hearings;

(10) The duty to maintain order;

(11) The duty to avoid unnecessary delay; and

(12) All powers and duties expressly or impliedly authorized by this part, by Chapter 46 of title 42 of the United States Code and by the Administrative Procedures Act as restated and incorporated in title 5 of the United States Code.

(d) *Suspension of counsel by hearing examiner.* The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar from participation in a particular proceeding any counsel who shall refuse to comply with his directions, or who shall be guilty of disorderly, dilatory, obstructionist, or contumacious conduct, or contemptuous language in the course of such proceeding. Any counsel so suspended or barred shall have an immediate right of appeal to the Administration. Such appeals shall be in the form of a brief not to exceed thirty (30) pages in length and shall be filed within five (5) days after notice of the hearing examiner's action. Answer thereto may be filed within five (5) days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Administration; in the event the hearing is not suspended, the counsel may continue to participate therein pending disposition of the appeal.

(e) *Disqualification of hearing examiner.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by giving notice on the record and shall notify the Administration of such withdrawal.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, such party may file with the administration a motion to disqualify and remove the hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. A copy of the motion shall be served by the Administration on the hearing examiner whose removal is sought, and the hearing examiner shall have ten (10) days from such service within which to reply. If the hearing examiner does not disqualify himself within the ten (10) days within which he may reply, then the Administration shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

(f) *Failure to comply with a hearing examiner's directions.* Any party who refuses or fails to comply with a lawfully issued order or directive of a hearing examiner may be considered to be in contempt of the Administration. The circumstances of any such neglect, refusal, or failure, together with a recommendation for appropriate action, shall be promptly forwarded by the hearing examiner to the Administration. The Administration may take such action in regard thereto as it feels the circumstances may warrant.

§ 17.53 Evidence.

(a) *Burden of proof.* Counsel representing the Administration shall have the burden of proof in any compliance hearing or hearing upon remand held pursuant to the rules and procedures of this part. In all other hearings or rehearings conducted under the provisions of this part, the applicant or grantee shall have the burden of proof, but the proponent of any factual proposition shall have the burden of proof with respect thereto.

(b) *Admissibility.* Relevant, material, or reliable evidence will be admitted. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Irrelevant or immaterial parts of otherwise admissible documents or testimony shall be segregated and excluded so far as practicable. No strict compliance with the rules of evidence will be required; admission of evidence will be based upon fairness to all parties with a presumption favoring admission in disputed situations.

(c) *Official notice may be given.* When any decision rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, the opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections shall be timely and shall briefly state the grounds relied upon, but the transcript shall not contain argument or debate thereon, except as ordered by the hearing examiner. Formal exception to an adverse ruling is not required. All rulings shall appear in the record.

(e) *Excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, and the hearing examiner may, in his discretion, receive and report the evidence in full. Rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

§ 17.54 Record.

(a) *Reporting and transcriptions.* All hearings shall be stenographically reported and transcribed by the official reporter of the Administration under the supervision of the hearing examiner, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available from the reporter at rates not to exceed the maximum rates fixed by contract between the Administration and the reporter.

(b) *Corrections.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. Corrections ordered by the hearing examiner or agreed to in a written stipulation signed by all counsel and by parties not represented by counsel, and approved by the hearing examiner, shall be included in the record, except to the extent that they are capricious or without substance. Such corrections shall not be allowed by the hearing examiner. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. All corrections shall be made by the official reporter by furnishing substitute type pages, under the usual certificate of the reporter, for insertion in the official record. The original uncorrected pages shall be retained in the files of the Administration.

§ 17.55 Motions.

(a) Presentation and disposition: During the time a proceeding is before a hearing examiner, all motions therein, except those filed under § 17.52(e)(2), shall be addressed to the hearing examiner and, if within his authority, shall be ruled upon by him. Any motion upon which the hearing examiner has no authority to rule shall be certified by him to the Administration with his recommendation. All written motions shall be filed with the office in which the proceeding was initiated and all motions addressed to the Administration shall be in writing.

(b) Content: All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) Within ten (10) days after service of any written motion, or within such longer or shorter time as may be designated by the hearing examiner or the Administration, the opposing party shall answer or shall be deemed to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Administration.

(d) Rulings on motions:

(1) All rulings on motions shall be made only after giving all parties a reasonable opportunity to make a statement on their behalf.

(2) When a motion to dismiss a complaint or for other relief is granted with the result that the proceeding before the hearing is terminated, the hearing examiner shall file recommendations in accordance with § 17.7. If such motion is granted as to all charges of the complaint in regard to some, but not all, of the respondents, or is granted as to any part of the charges in regard to any or all of the respondents, the hearing examiner shall enter his ruling on the record and take it into account in his recommendations. When a motion to dismiss is made at the close of the evidence offered in support of the complaint based upon an alleged failure to establish a prima facie case, the hearing examiner may, at his own discretion, defer ruling thereon until the close of the case for the reception of the evidence.

§ 17.56 Discovery.

(a) *Deposition*—(1) *When justified.* At any time after the initiation of the proceeding, whether or not the issue has been joined, the hearing examiner, at his discretion, may order by subpena the taking of a deposition and the production of documents by the deponent. Such order may be entered upon a showing that the deposition is necessary for discovery purposes, and that such discovery could not be accomplished by voluntary methods. Such an order may also be entered in extraordinary circumstances to preserve relevant evidence upon a showing that there is substantial reason to believe that such evidence could not be presented through a witness at the hearing. The decisive factors for a determination under this subsection, however, shall be fairness to all parties and the requirements of due process. Depositions may be taken orally or upon written questions before any person having power to administer oaths who may be designated by the hearing examiner.

(2) *Form of application.* Any party desiring to take a deposition shall make application in writing to the hearing examiner, setting forth the justification therefor, the time when, the place where, and the name and address of each proposed deponent and the subject matter concerning which each is expected to depose, and shall, at this time, request any subpenas which are desired to effect the deposition. The hearing examiner shall then issue a notice of subpena to the person to be deposed.

(3) *Ruling on the application.* Such order as the hearing examiner may issue for taking a deposition shall state the circumstances warranting its being taken and shall designate the time when, the place where, and the name and address of the officer before whom the deposition is desired. The time designated shall allow not less than five (5) days from the date of service of the order, when the deposition is to be taken within the United States, and not less than fifteen (15) days, when the deposition is to be taken elsewhere.

(4) *Modification of ruling.* Upon a motion, within ten (10) days after service of the notice of subpena, by any party or by the person to be deposed and after a showing of good cause, the hearing examiner may order that the deposition shall not be taken, that certain matters not be inquired into, or may make any other order which justice requires to protect the party or deponent from annoyance, embarrassment, or oppression, or to prevent the unnecessary disclosure or publication of information contrary to the public interest or beyond the requirements of justice in the particular proceeding.

(5) *Taking a deposition.* Each deponent shall be duly sworn, and any adverse party shall have the right to crossexamine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate), shall be reduced to writing and certified by the officer before whom the deposition was taken. Thereafter, the officer shall forward the deposition and one (1) copy thereof to the party at whose instance the deposition was taken and shall forward one (1) copy thereof to the representative of each other party who was present or represented at the taking of the deposition.

(6) *Admissions.* A deposition or any part thereof may be admitted into evidence as against any party who was present or represented at the taking of the deposition or who had due notice thereof, if the hearing examiner finds: (i) That the deponent is dead; (ii) That the deponent is out of the United States or is located at such a distance that his attendance would be impractical, unless it appears that the absence of the deponent was procured by the party offering the deposition; (iii) That the deponent is unable to attend or testify because of age, sickness, infirmity, or imprisonment; (iv) That the party offering the deposition has been unable to procure the attendance of the deponent by subpena; or (v) That there are good and sufficient reasons for such admission and that the admission of the evidence would be fair as to adverse parties and in accordance with elementary principles of due process for all parties. In all cases, the admission of such testimony shall occur only after adequate notice and opportunity for argument have been given to all parties.

(b) *Interrogatories to the parties*—(1) *Availability.* Any party may serve upon any other party written interrogatories to be answered by the party

served, or by an authorized representative of the party if the party served is a corporate or governmental entity. The party served shall also furnish all information which is available to him. Interrogatories shall not be served until after the applicant's or grantee's claim or answer has been filed.

(2) *Form of interrogatories and responses.* The interrogatories shall be addressed to the party or to his authorized representative and may be served on the party, his authorized representative, or his attorney. Each interrogatory shall be answered separately and fully in writing under oath by the party addressed or by his authorized representative. Responses to the interrogatories must be filed with the Administration and a copy served upon the other party within ten (10) days after service of the interrogatories unless objection is made to such interrogatories. In the case of objections, the answering party shall have ten (10) days after service of the interrogatories or five (5) days after the issuance of the hearing examiner's ruling, whichever is later, to file the interrogatories. The answers are to be signed by the person making them.

(3) *Rulings.* Within ten (10) days after the service of the written interrogatories, the parties served must file objections with the hearing examiner to the interrogatories or waive any objection thereto. The hearing examiner may, after a showing of good cause, limit or refuse to allow the interrogatories, in whole or in part, if he finds that the information called for would be privileged, irrelevant, or otherwise improper or that the requirement of a response would result in annoyance, embarrassment, oppression, or would cause the unnecessary disclosure or publication of information contrary to the public interest or beyond the requirements of justice in a particular proceeding.

(c) *Subpenas*—(1) *Subpenas ad testificandum.* Application for issuance of a subpena requiring a person to appear and depose or testify at the taking of a deposition or at a hearing, rehearing, or a hearing upon remand shall be made to the hearing examiner.

(2) *Subpenas duces tecum.* (i) Application for issuance of a subpena requiring a person to appear and depose or testify and to produce specified documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at a hearing, rehearing, or hearing upon remand shall be made in writing to the hearing examiner and shall specify as exactly as possible the material to be produced, showing the general relevancy of the material and the reasonableness of the scope of the subpena.

(ii) Subpenas duces tecum may be used by any party for purposes of discovery of nonprivileged documents, papers, books, or other physical exhibits relevant for use in evidence, or for obtaining copies of such materials, or for both purposes.

(iii) Upon receipt of an application for subpena duces tecum, the hearing examiner shall issue a notice of subpena to the party or person to be deposed. Within ten (10) days after service of the notice of subpena, the persons or parties served must file objections with the hearing examiner to the subpenas or waive any objections thereto. The hearing examiner may, after a showing of good cause, refuse to issue a subpena if he finds that the information called for would be privileged, irrelevant, or otherwise improper or that the issuance of a subpena would result in annoyance, embarrassment, oppression, or would cause the unnecessary disclosure or publication of information contrary to the public interest or beyond the requirements of justice in a particular proceeding.

(d) *Rulings on requests for discovery*—(1) *Rulings.* Applications for orders requiring the taking of depositions pursuant to the provisions of paragraph (a) of this section, applications for interrogatories pursuant to the provisions of paragraph (b) of this section, and applications for the issuance of subpenas pursuant to the provisions of paragraph (c) of this section, will generally be made only after adequate notice and opportunity for a statement of position have been given to all parties. Ex parte rulings shall be only authorized when, in the discretion of the hearing examiner, the interests of justice will better be served.

(2) *Appeals.* Appeals from rulings given by a hearing examiner under the provisions of this part will be entertained by the Administration only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision, and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. Such appeals shall be made on the record and shall be in the form of a brief not to exceed thirty (30) pages in length and shall be filed within five (5) days after notice of the ruling complained of. Answer to any such appeal may be filed within five (5) days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Administration.

§ 17.57 Proposed findings, conclusions, and order.

At the close of the reception of evidence, or within a reasonable time thereafter, the hearing examiner will file his proposed findings of fact, conclusions of law, and ruling or order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, shall contain adequate references to the record and authorities relied on, and shall constitute the hearing examiner's recommendations for the purposes of this part.

§ 17.58 Action by the Administration.

Upon receipt of the recommendations of the hearing examiner, the Administration will review the proceedings pursuant to § 17.7. Before a determination of finding of fact is made by the Administration, the parties shall be given an opportunity to submit, within thirty (30) days after the date of the submission of the hearing examiner's recommendations, for administration consideration:

(a) Proposed findings and determinations; or

(b) Exceptions to the recommendations of the hearing examiner; and

(c) Supporting reasons for the exceptions or proposed findings or determinations.

Procedure for Investigations

§ 17.61 Generally.

An administrative investigation proceeding under § 17.32 may be held anywhere in the United States, at the discretion of the Administration. Adequate notice shall be given by serving notice of proceedings by registered mail at least thirty (30) days before the date of commencement of such proceedings. The proceeding will be conducted by an official known as an investigator, who must be a member of the Administration.

§ 17.62 Conduct of proceedings.

The overriding requirement in the administrative investigation under § 17.32 will be fairness to all parties. The procedure will be informal, and all evidence which is not irrelevant, immaterial, or cumulative will be examined. The investigator shall have the power to use the provisions of § 17.56 to compel the presentation of information. An applicant or grantee may present written evidence and exhibits, at his discretion, but may not appear before the administrative investigation in person or by personal representative unless permitted by the investigator conducting the proceeding. The sole inquiry of the administrative investigation under § 17.32 will be whether or not to hold further administrative proceedings concerning the application or grant at issue. The investigator will submit recommendations which will become a determination upon acceptance or denial by the Administration.

§ 17.63 Right to rehearing.

If an applicant or grantee is dissatisfied with Administration action under § 17.62, such applicant or grantee shall receive a second administrative investigation under a new investigator by making a written request within thirty (30) days after receipt of notification of the Administration's action. This new administrative investigation will be conducted according to the procedures of § 17.62.

Determinations and Findings of Fact

§ 17.71 Generally.

Any determination or finding of fact by the Administration shall constitute final action on the question. The recommendations of a hearing examiner or an investigator shall become determinations and findings of fact upon written acceptance, rejection, or modification by the Administration after review under the Administration's rules and regulations. Determinations and findings of fact may

not, however, modify or abridge a party's right to any proceeding authorized by this part or by Chapter 46 of Title 42 of the United States Code.

§ 17.72 Finality of the proceedings.

Determinations and findings of fact made by the Administration shall be final and conclusive, if supported by substantial evidence, upon all applicants or grantees in a compliance hearing under § 17.31 or in an adjudicative hearing under § 17.33, or upon all parties in an administrative investigation under § 17.32 (except that a subsequent hearing shall constitute a trial de novo on the facts), in a rehearing under § 17.34, or in a hearing under a petition for judicial review, except that the Administration may make new or modified findings or determinations pursuant to 42 U.S.C. section 3759(b) upon remand from a court. Such new or modified findings or determinations, when filed in the remanding court, shall likewise be final and conclusive, if supported by substantial evidence.

§ 17.74 Limitation of the hearing examiner's authority.

A hearing examiner may reopen a proceeding at any time prior to his submission of recommendations to the Administration. After submission of his recommendations, the hearing examiner's jurisdiction is terminated, except for the correction of clerical errors. However, the Administration, at its own discretion, may remand a proceeding to a hearing examiner for further inquiry after the presentation of recommendations and before the making of determinations and findings of fact.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

[FR Doc.72-12641 Filed 8-11-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

HANDLING OF FRESH PEACHES GROWN IN GEORGIA

Peaches Shipped to Adjacent Markets

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Industry Committee Regulations; 7 CFR 918.100–918.131) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendment of the said rules and regulations was proposed by the Industry Committee, established under the said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed amendment is designed to establish safeguards pursuant to § 918.60(c), to prevent new containers of bulk peaches which fail to meet requirements for shipment to markets other than the adjacent markets issued under § 918.60(b), from being shipped to nonadjacent markets. Until recently, ungraded peaches shipped in bulk to adjacent markets were packed in used containers, which were readily distinguishable from peaches packed for shipment to nonadjacent markets. Recently, ungraded peaches for shipment to adjacent markets have been packed in new Duall and similar containers. These new handling and packaging practices make it relatively simply to divert ungraded peaches meeting only the adjacent markets requirements to the nonadjacent markets. The proposed safeguards hereinafter set forth are designed to prevent the diversion of such peaches from the adjacent markets to the nonadjacent markets.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal would be implemented by amending § 918.130 *Peaches shipped to adjacent markets,* to read as follows:

§ 918.130 Peaches shipped to adjacent markets.

(a) Each handler who ships adjacent market peaches shall report daily to the Industry Committee, in such manner and on such forms as prescribed by that committee, the following information with respect to each such shipment: *Provided,* That such reports shall not be required on shipments of adjacent market peaches which are exempt from inspection pursuant to § 918.64:

(1) Name and address of the handler; and date;

(2) Originating point;

(3) Destination in adjacent markets;

(4) Truck license number, trailer license number, or other identification of the conveyance in which shipment was made;

(5) Number of bushels so shipped;

(6) The number of the inspection certificate or memorandum issued with respect to the shipment; and

(7) A certification that the information is complete and accurate.

(b) Each handler who ships, in new containers, adjacent market peaches which do not meet the current regulations for nonadjacent markets issued pursuant to § 918.60(b) shall (1) stamp or print on the ends or sides of such containers in letters not less than one-half inch in height "For Sale in Adjacent Markets Only," along with the handler's name and address; and (2) have such fruit so shipped inspected as provided in § 918.64.

Dated: August 9, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-12809 Filed 8-11-72;8:54 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Proposal Regarding Regulation of Prior-Sanctioned Food Ingredients

The Commissioner of Food and Drugs is conducting a study of food ingredients that have been used in food products without approval of a food additive regulation on the ground either that they are generally recognized as safe (GRAS) or that they are subject to a prior sanction. The Commissioner has already published proposed procedures for the affirmation of GRAS status or the determination of food additive status. It is therefore appropriate to establish comparable procedures for the regulation of ingredients subject to prior sanctions.

Section 201(s) of the Federal Food, Drug, and Cosmetic Act excludes from the definition of "food additive":

(4) Any substance used in accordance with a sanction or approval granted prior to the enactment of this paragraph pursuant to this Act, the Poultry Products Inspection Act (21 U.S.C. 451 and the following) or the Meat Inspection Act of March 4, 1907 (34 Stat. 1260), as amended and extended (21 U.S.C. 71 and the following);

Pursuant to this grandfather clause, a food ingredient subject to a prior sanction may not be regulated under the food additive provisions of the law. Such an ingredient may, however, be regulated under the general adulteration and misbranding provisions of the Act, and in particular may be banned from food if found to be a "poisonous or deleterious substance" in violation of section 402(a)(1) of the Act.

The Food and Drug Administration, between 1938 and 1958, reaffirmed many sanctions or approvals granted under the Federal Food and Drugs Act of 1906, and also granted additional sanctions and approvals. The U.S. Department of Agriculture has similarly granted many sanctions and approvals. Not all of these sanctions and approvals can be ascertained because of the destruction of old records and the retirement of personnel involved in these matters. The Food and Drug Administration has requested information on prior sanctions (35 F.R. 5810) in an effort to make its files on these matters more complete.

Whether or not a food ingredient is used as a result of a determination that it is GRAS, or pursuant to a food additive regulation, or as a result of a prior sanction, the basis for such use should be a matter of public record. The Commissioner has therefore determined to expand Subpart E under Part 121, within which will be established regulations governing all prior-sanctioned direct and indirect food ingredients known to the Commissioner.

New scientific information requires, on occasion, that additional limitations be placed on the use of prior-sanctioned ingredients. Accordingly, the Commissioner has concluded that a procedure should also be established under which a regulation in Subpart E stating the existence of a prior sanction may be established or amended to impose limitations upon the use of the ingredient when scientific data justify such limitations.

As the first action under this proposed new subpart, the Commissioner proposes to issue a regulation for talc, which has a prior sanction for use in coating polished rice. This use was first approved in a food inspection decision issued under the Federal Food and Drugs Act of 1906, and was subsequently recognized in the standard of identity for enriched rice, § 15.525. Talc has also been listed as GRAS in § 121.101(h) for use in paper and paperboard used in dry food packaging, in § 121.101(i) for use in cotton and cotton fabrics used in dry food packaging, in an FDA opinion letter for use in chewing gum base, and in an FDA opinion letter for use as an antisticking agent in forms used in molding various food shapes.

Talc is a naturally occurring hydrous magnesium silicate without well-defined specifications or limitations. A recent publication (Science 173:1141–1142, September 17, 1971) identifies the presence of asbestos-form particles in talc used to coat rice. Independent laboratory investigation by the Food and Drug Administration has confirmed this report. A copy of the FDA report is on file with the Food and Drug Administration Hearing Clerk. Since asbestos, another form of natural magnesium silicate, is carcinogenic when inhaled and asbestos-form particles may therefore be injurious to health when ingested, and since talc can be processed to remove asbestos-form particles, it is prudent to require that talc which is to be used in the manufacture of food or food packaging be free of asbestos-form particles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055 and 72 Stat. 1784–88, as amended; 21 U.S.C. 321(s), 348, 371(a) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 121 as follows:

1. Section 121.101 is amended as follows:

a. Paragraphs (h) and (i) are amended by adding the phrase "free of asbestos-form particles" after the word "talc".

b. Paragraph (d)(8) is amended by adding the following entry in alphabetical sequence:

§ 121.101 Substances that are generally recognized as safe.

Agreement CAB 23184	Resolution	Title
R-1	002	Revalidation Resolution—Sales Agency Rules, Inclusive Tours Initiated by Tour Operators.
R-3	105(PAC)203 205 (PAC)203 305 (PAC)203 JT12 (5PAC)203 JT23 (5PAC)203 JT31 (5PAC)203 JT123 (5PAC)203.	Reduced Fares for Passenger Agents (Except U.S.A.) (Amending).

2. Subpart E of Part 121 is amended as follows:

a. The title of Subpart E is revised to read, "Subpart E—Prior-Sanctioned Food Ingredients".

b. Section 121.2001 is redesignated as § 121.2005 and §§ 121.2000 and 121.2006 are added to read as set forth below:

§ 121.2000 General.

(a) An ingredient whose use in food or food packaging is subject to a prior sanction or approval within the meaning of section 201(s)(4) of the act is exempt from classification as a food additive. The Commissioner will publish in this subpart all known prior sanctions. Any interested person may submit to the Commissioner a request for publication of a prior sanction, supported by evidence to show that it falls within section 201(s)(4) of the act.

(b) Based upon scientific data or information that shows that use of a prior-sanctioned food ingredient may be injurious to health, and thus is in violation of section 402(a)(1) of the act, the Commissioner will establish or amend the applicable prior sanction regulation to impose whatever limitations or conditions are necessary for the safe use of the ingredient, or to prohibit use of the ingredient.

§ 121.2006 Talc.

(a) Talc is a naturally occurring hydrous magnesium silicate for which no food grade specifications exist. Talc is subject to a prior sanction for use in coating polished rice.

(b) Talc containing asbestos-form particles may be injurious to health. Accordingly, any food or food packaging material containing talc that is not free of asbestos-form particles shall be deemed to be adulterated in violation of section 402(a)(1) of the Act.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 1, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12714 Filed 8-11-72;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Credit Cards; Issuance and Liability

1. Pursuant to the authority contained in the Truth in Lending Act (15 U.S.C. 1601 et seq.), the Board of Governors proposes to amend Part 226 (Regulation Z) in the manner and for the reasons set forth below:

Amend § 226.13 (a)(4) and (b) to read as follows:

§ 226.13 Credit cards—issuance and liability.

(a) *Supplemental definitions applicable to this section.* * * *

(4) *"Cardholder"* means any natural person or organization to whom a credit card is issued for personal, family, household, agricultural, business, or commercial purposes, or any natural person or organization who has agreed with the card issuer to pay obligations arising from the issuance of a credit card to another person for such purposes.

* * * * *

(b) *Issuance of credit cards.* Regardless of whether a credit card is to be used for personal, family, household, agricultural, business, or commercial purposes, no credit card shall be issued to a natural person or organization except:

(1) In response to a request or application therefor, or

(2) As a renewal of, or in substitution for, an accepted credit card whether such card is issued by the same or a successor card issuer.

* * * * *

2. Considerable uncertainty has prevailed as to whether the exemption in § 226.3 of Regulation Z for extensions of credit for business and commercial purposes applies to the unsolicited issuance of credit cards and to the limits on liability for their unauthorized use. The purpose of these proposed amendments is to make clear that all credit cards, regardless of use or cardholder status, are covered by the maximum liability limit and, by the same token, may not be distributed without an initial request from the cardholder. These amendments would not affect the application of the business exemption to the disclosure, rescission, and advertising requirements of Regulation Z for which it was originally intended.

This notice is published pursuant to section 553(b) of title 5, United States

Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)).

To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to any Federal Reserve Bank for transmittal to the Board, to be received at the Board not later than September 15, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, August 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12578 Filed 8-11-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9706; File No. S7-451]

INSURANCE PREMIUM FUNDING PROGRAMS

Disclosure and Other Requirements When Extending or Arranging Credit

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 15c2-5 (17 CFR 240.15c2-5) under the Securities Exchange Act of 1934 (Exchange Act) to provide that the disclosure and suitability determination requirements of section (a) of that rule would apply to credit extended or arranged for by a broker or dealer pursuant to section 4(k) of Regulation T (12 CFR 220.4(k)) promulgated by the Board of Governors of the Federal Reserve System (Board of Governors).

Rule 15c2-5 requires brokers and dealers to make certain written disclosures to customers prior to effecting securities transactions with them which would involve an extension or arrangement of credit other than that governed by Regulation T margin requirements. Among other things, the rule requires the disclosure of exact information as to the nature and extent of a customer's obligations, including the specific charges he would incur in each period during which the extension of credit would be continued, the risks and disadvantages which he would incur and the commissions and other remuneration which would be received by the broker or dealer or any other person participating in the transaction. In addition, the rule provides that the broker or dealer must make a determination as to the suitability of the security for the customer and that he deliver to the customer a written statement setting forth the basis upon which the broker or dealer made such determination.

Although the adoption of the rule was prompted by the development of arrangements commonly called "equity funding," "secured funding" or "life funding" programs (hereinafter called insurance premium funding programs), the rule was broadly worded to encompass other types of arrangements which would involve the borrowing of funds by customers in a manner other than by conventional margin securities transactions governed by Regulation T. Accordingly, to eliminate any possible ambiguity on the subject, an exception was included as paragraph (b) of the rule excluding extensions of or arrangements for credit made by brokers or dealers in compliance with the provisions of Regulation T.

Subsequently, on June 2, 1969, the Board of Governors added section 4(k) to Regulation T to include within the margin regulations of Regulation T credit arranged for or extended in connection with the sale of insurance premium funding programs by permitting brokers or dealers who were issuers or subsidiaries or affiliates of issuers of such programs to extend or arrange for the extension of credit in connection with such programs on specified terms. Moreover, on June 13, 1972,[1] the Board of Governors announced its proposal to amend the provisions of section 4(k) of Regulation T to permit brokers and dealers, other than issuers or subsidiaries or affiliates of such issuers of insurance premium funding programs, to engage in such credit extension and arranging activities.

In light of these adopted and proposed amendments, it would appear appropriate to clarify the continuing applicability of the salutary provisions of Rule 15c2-5 to the sale of insurance premium funding programs. This would be accomplished by including in paragraph (b) of the rule a proviso modifying the exception contained therein for any extensions of credit or loans arranged by a broker or dealer pursuant to Regulation T by excluding from that exception transactions in special insurance premium funding accounts within the meaning of section 4(k) of Regulation T.

Commission action. The Commission proposes to amend paragraph (b) of section 240.15c2-5 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.15c2-5 Disclosures and other requirements when extending or arranging credit in certain transactions.

* * * * *

(b) This section shall not apply to any credit extended or any loan arranged by any broker or dealer subject to the provisions of Regulation T (issued by the Board of Governors of the Federal Reserve System) if such credit is extended or such loan is arranged, in compliance with the requirements of such regulation, only for the purpose of purchasing or carrying the security offered or sold: *Provided, however,* That notwithstanding this paragraph, the provisions of paragraph (a) of this section shall apply in full force with respect to any transaction involving the extension of or the arrangement for credit by a broker or dealer in a special insurance premium funding account within the meaning of section 4(k) of Regulation T.

* * * * *

The proposed amendment would be adopted pursuant to the provisions of the Exchange Act and more particularly sections 15(c)(2) and 23(a) thereof. All interested persons are invited to submit their views and comments with respect to the proposed amendment, in writing, to Ronald F. Hunt, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, on or before September 20, 1972. All communications concerning the proposed amendment should refer to File No. S7-451. All such communications will be available for public inspection.

(Secs. 15(c)(2), 23(a), 48 Stat. 895, 901, 49 Stat. 1379, 15 U.S.C. 78o(c)(2), 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

AUGUST 10, 1972.

[FR Doc.72-12731 Filed 8-11-72;8:47 am]

[1] 37 F.R. 11734.

[17 CFR Part 240]

[Release No. 34-9716]

MEMBERSHIP ON REGISTERED SECURITIES EXCHANGES FOR OTHER THAN PUBLIC PURPOSES

Notice of Proposed Rule Making

Introduction. The Securities and Exchange Commission, pursuant to authority vested in it under the Securities Exchange Act, and particularly sections 23(a) and 2, 6, 17, and 19 of that Act, is publishing for comment a rule requiring all present and future exchanges to restrict the utilization of exchange membership for other than public purposes. The substance of this rule previously had been the subject of a Commission request (see Attachment A) to all presently registered securities exchanges, pursuant to section 19(b) of the Securities Exchange Act, 15 U.S.C. 78s(b), to alter, modify, or supplement their rules. The Commission requested the adoption of this rule as part of its efforts to effectuate a viable central market system and to assure the protection of investors, fair dealing in securities on exchanges and the fair administration of exchanges. The Commission now is publishing for comment, along with the rule, certain related policy questions concerning the proposed rule.

The Commission believes that the rule proposed and the issues raised are matters of great significance, not only to the Nation's registered securities exchanges but also to the members of the securities industry, large and small institutional

investors and to the public investors whose interests the Commission is mandated to uphold. Accordingly, the Commission invites all persons interested in, affected by or concerned with the future structure of the public securities markets to provide the Commission with the benefit of their views. The Commission recognizes that at this time, and without the benefit of flexible experimentation, attempts at definitive answers or solutions to all of the issues raised by exchange membership for other than public purposes are, of course, impossible. By proposing the rule set forth herein and publishing for comment a number of important related policy questions so that all persons who have helpful viewpoints to express may do so, it is hoped and expected that, by the use of the Commission's quasi-legislative powers, guidelines for appropriate experimentation and, ultimately, principles to implement the development of a central market system will evolve. In order to assist those persons wishing to comment on the Commission's proposed rule and accompanying policy considerations, appropriate background, and further details concerning the proposed rule and policy questions follow. The procedures to be followed are also set forth below.

Interested persons are requested to submit their views, any data, or other comments or information, in writing, to the Office of the Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549. Because the retention and impact of conflicting approaches to the establishment of proper standards for exchange membership may thwart Commission efforts to develop, restore, and regenerate the public's confidence in a restructured central market system, the Commission believes a prompt determination of policy is appropriate and requests that all comments, views, data, and other written submissions be received no later than October 3, 1972.

Background. Beginning in 1968 the Commission instituted a series of fact-finding hearings and comprehensive studies of the functioning of the Nation's securities markets and the persons and entities that make the markets function or trade in them. New phenomena and interests have given rise to the need for new regulatory policies to usher in a different and more complex era of securities trading. In 1934, the Congress recognized that "without changes [in the practices of exchanges] they [the exchanges] cannot endure." Accordingly, broad regulatory and policymaking functions were vested in the Commission. The Commission's proposed rule and policy questions reflect the culmination of some 4 years of Commission study of these problems and issues.

In 1968, the Commission's initial inquiries dealt primarily with questions related to commission rates and give-up practices. Exchange membership for other than public purposes is, in part, directly intertwined with and a function of commission rate questions. The Commission has attempted to deal with questions of commission rate charges on exchange transactions by a program termed "active but prudent gradualism" by the Commission—a program of increasing, in specified increments, that portion of large securities transactions as to which commissions may be competitively determined. The results of this experimentation are being carefully monitored by the Commission to determine the impact of such commission rate negotiation.

Exchange membership for private purposes appears to run counter to the Commission's efforts to effect a rational solution to the problem of commission rates. But the question of the appropriate utilization of membership on an exchange transcends issues of commission rates; it goes to the very nature, purpose, and fairness of exchanges, and the future structure of the securities markets depends, in large measure, on the regulatory approach the Commission takes on the issue of exchange membership.

In March 1971, the Commission submitted to Congress its Institutional Investor Study,[1] which accumulated extensive data on the impact of financial intermediaries or "institutions." The data in that study furnished a framework for the analysis of securities exchange operations that has continued. But, in large part, the questions posed cannot and, indeed, should not be answered or resolved solely by reference to empirical data. Rather, the issues and rule published herein call for policy judgments of the broadcast nature. Accordingly, in October 1971, the Commission instituted hearings dealing primarily with questions related to the structure, organization, and regulation of the securities markets. Finally, the Commission's Study on Unsafe and Unsound Practices of Brokers and Dealers,[2] submitted to Congress in December 1971, dealt with questions relating to the operational efficiency and financial responsibility of firms making up the securities community.

As a result of all these hearings, the Commission, on February 2, 1972, issued a general statement of policy setting forth its views on the present status of the securities markets and the direction in which the Commission believes the public interest requires these markets to evolve in the future. In addition, both Houses of the Congress have, through subcommittees, conducted extensive studies and hearings on the structure and future of the securities industry. All of these hearings, studies and reports have helped the Commission focus on appropriate policy goals and considerations. Copies of these materials are now available to the public in the Commission's public reference room, and may be used as a basis for comments on the proposed rule and related policy questions.

Discussion. The Commission has consistently viewed its congressional mandate as requiring that the Commission take all steps necessary to maintain the fairness and honesty of exchange markets. The report of the House Committee considering the bill that was the forerunner of the Securities Exchange Act amplified this mandate to the Commission, as follows (p. 15):

> The bill proceeds on the theory that the exchanges are public institutions which the public is invited to use for the purchase and sale of securities listed thereon, and are not private clubs to be conducted only in accordance with the interests of their members. The great exchanges of this country upon which millions of dollars of securities are sold are affected with a public interest in the same degree as any other utility.[3]

In considering the policy implications of exchange membership utilized for other than public purposes, the Commission, in its Policy Statement of February 2, 1972, concluded that (p. 20), among other things, "as a central market system develops, it should have at its heart a corps of professional brokers and market makers serving investors."[4]

The rule proposed herein, which the Commission had requested each of the registered securities exchanges to adopt in substance, as well as the related policy questions set forth below, represent the Commission's proposal for a much needed first step to implement these goals in the context of basic economic change, including the rapidly growing impact of financial institutions upon exchange trading procedures and membership standards which were initially devised principally to serve individual investors. The rule attempts to deal with the shape of the restructured securities market the Commission hopes will evolve. Prior hearings and studies have suggested that exchange membership for other than public purposes tends to erode investor confidence and direct participation in the securities markets. At this step in the Commission's efforts to produce a rational, viable central market system, a degree of administrative flexibility is essential. Persons desiring to comment on the proposed rule and related policy questions should bear in mind that further experience with any rule that may be adopted as well as other developments in the evolution of a unified, central market system may suggest that further changes in the rules of registered exchanges on this subject may be necessary.

Procedures. The Commission views this policymaking proceeding as an effort to establish standards and guidelines for the future conduct of securities exchanges, recognizing that all of the issues relevant to the rule proposed for comment today are under continuous review and cannot, of course, be definitively resolved at this time. The Commission's request to each of the exchanges—to adopt a rule restricting the utilization of exchange membership for other than public purposes—was predicated upon

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[1] (H. Doc. 92-64, 92nd Cong. 1st Sess.)

[2] (H. Doc. 92-231, 92nd Cong. 1st Sess.)

[3] (H. Rept. No. 1383, 73d Cong. 2d Sess.)

[4] (Statement of the Securities and Exchange Commission on the Future Structure of the Securities Markets. (Government Printing Office, 1972).)

section 19(b) of the Securities Exchange Act. That section embodies the concept of supervised self-regulation contained in the Securities Exchange Act; it requires that the exchanges be given the first opportunity to implement policy enunciated by the Commission. But should exchanges fail to make the specified rule changes. as appears to have occurred in connection with this matter, the Commission is authorized to require the modification or change of exchange rules, by rule, regulation, or order. Because the Commission is engaged in establishing and effectuating appropriate policy, the Commission is relying on its broad rule-making authority and thus is invoking those procedures normally associated with its quasi-legislative functions. As a Member of the Congress considering the House version of the Securities Exchange Act noted (Rep. Lea, 78 Cong. Rec. 8091):

> There are two types of power delegated to the Commission, and that is true of every regulatory act. The first is a quasi-legislative power, and the other is a quasi-judicial power.
>
> When we give the Commission the right, by rules and regulations to require that an exchange shall have a certain rule governing its functions, that is a quasi-legislative power of Congress. The Commission acts for Congress in establishing such rule or regulation.

Since the Commission's inquiry does not call for a determination of lawfulness or unlawfulness of past conduct, trial-type, adversary hearings obviously are inappropriate. The Commission's request is not concerned with the practices of a specific exchange, and the Commission is not concerned with the credibility of witnesses; it is concerned with the formulation, establishment, and implementation of policy and the rules necessary to implement it. The Commission's procedures are designed to meet that end.

Accordingly, the Commission declines to restrict the expression of views on these matters to a limited segment of the securities industry; all interested persons are invited to submit written comments. Because of the wide-ranging nature and scope of the Commission's inquiry, written submissions appear appropriate and expeditious. Comments should be addressed to the proposed rule and enumerated policy questions. Persons commenting may feel free to submit any relevant data or other information relating to these issues, and reference may be made, where appropirate, to prior hearings, policy statements or testimony. After the Commission has had a chance to review all submissions, it will consider whether brief oral statements by persons submitting comments may be appropriate. All such submissions will be available for public inspection.

I. *Commission action.* Pursuant to authority in sections 2, 6, 17, 19, and 23(a) of the Securities Exchange Act of 1934, the Securities and Exchange Commission proposes to adopt a new § 240.19b–2 under Chapter II of Title 17 of the Code of Federal Regulations, reading as follows:

§ 240.19b–2. Use of exchange membership for other than public purposes.

(a) Each securities exchange registered with the Commission shall, by rule, require every member or member organization of such exchange to have as the principal purpose of its membership the conduct of a public securities business. A member shall be deemed to have such a purpose if at least 80 percent of the value of exchange securities transactions effected by it during the preceding 6 calendar months, whether as a broker or dealer, is effected for or with persons other than affiliated persons or is effected pursuant to transactions of the kind described below:

(1) Any transaction by a registered specialist in a security in which he is so registered;

(2) Any transaction for the account of an odd lot dealer in a security in which he is so registered;

(3) Any transaction by a block positioner acting as such, except where an affiliated person is a party to the transaction;

(4) Any stabilizing transaction effected in compliance with Rule 10b–7 under the Securities Exchange Act of 1934 (17 CFR 240.10b–7) to facilitate a distribution of a security in which the member organization effecting such transaction is participating;

(5) Any bona fide arbitrage transaction, including hedging between an equity security and a security entitling the holder to acquire such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer, or similar transaction involving a recapitalization;

(6) Any transaction effected in conformity with a plan designed to eliminate floor trading activities which are not beneficial to the market, which plan has been adopted by the exchange and declared effective by the Commission;

(7) Any transaction made with the prior approval of a floor official to permit the member effecting such transaction to contribute to the maintenance of a fair and orderly market, or any purchase or sale to reverse any such transaction; or

(8) Any transaction to offset a transaction made in error.

(b) For purposes of this section, an "affiliated person" of a member shall include the account of (1) any person directly or indirectly controlling, controlled by or under common control with such member, whether by contractual arrangement or otherwise, provided, the right to exercise investment discretion with respect to an account, without more, shall not constitute control; and (2) any investment company of which such member, or any person controlling, controlled by or under common control with such member, is an investment adviser within the meaning of the Investment Company Act of 1940. A person shall be deemed to control another person if such person has a right to participate to the extent of 25 percent or more in the profits of such other person or owns beneficially, directly or indirectly, 25 percent or more of the outstanding voting securities of such person.

II. *Policy questions.* The above rule departs in several respects from the rule the Commission, on May 26, 1972, requested the presidents of all registered securities exchanges to adopt. The first sentence of section 1 has been modified to clarify that the proposed rule is intended to relate to the purpose of exchange memberships. In addition, clause 2(i) of the rule originally sent to all exchanges [5] has been deleted. That provision specifically had included partners, officers, directors and their immediate families within the definition of "affiliated person." It does not appear that the existence of these specified relationships should have the same consequences that result from affiliation, except where the general standard utilized to measure affiliation in other circumstances, that is, the presence or absence of a control relationship, is applicable to them. As noted below, comments on this change are invited.

The specific issues on which comments are invited are as follows:

(1) In its present form, the Commission's proposed rule requires that every member or member organization must have as the principal purpose of its exchange membership the conduct of a public securities business. A member organization will be deemed to have such a purpose if at least 80 percent of the value of its exchange securities transactions are for or with unaffiliated customers or are specified principal transactions. In order to be deemed to have such a purpose should a member organization also be required to derive 80 percent of its security commission income relating to exchange transactions from transactions for or with unaffiliated customers?

(2) Should each exchange be required to adopt an identical rule, or should any exchange be permitted to adopt a rule varying from the general pattern to some extent to accommodate particular circumstances of that exchange, so long as all such rules embody and carry out the basic objectives, and if such variations do not result in competitive inequality?

(3) Should the proposed rule include officers, directors, partners of member organizations, and members of their immediate families in the definition of an affiliated person or should their affiliation be judged by the presence or absence of control? The Commission believed it unnecessary to include such persons in its definition and has revised the rule it originally requested the exchanges to adopt accordingly. Comments are invited on the deletion.

(4) Should discretionary management of an account by a member organization, whether it exists pursuant to contractual terms or otherwise, be deemed to constitute control for purposes of determining whether such account is an affiliated person, at least as to non-individual accounts? Commentators may

[5] (See Attachment A.)

also wish to address themselves to the impact which the present standard and the one proposed could be expected to have on the structure of the securities markets. Available statistical data should be included, where possible.

(5) It has been pointed out that member organizations controlled by entities not incorporated within the United States may be faced with problems not anticipated by the rule. The purpose of such an organization often is to serve as broker for customers of its foreign parent, which may itself be a broker-dealer or, in many continental countries, may be a bank performing the traditional broker-dealer functions. Should business done for such customers be treated as having been done for unaffiliated persons?

(6) Should the phase-in period contained in the Commission's request be shortened or left to the discretion of the various exchanges as is now contemplated, and at what point should the proposed plan for compliance by the end of the phase-in period be required to be submitted? Are there any equitable reasons for moving the cut-off date of June 23, 1970 forward?

All interested persons and organizations are invited to submit comments on the proposed Rule 19b-2 [17 CFR 240.19-b2] and on the Policy Questions set forth above. All such comments should be submitted in writing to the Office of the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549 not later than October 3, 1972. All comments will be available for public inspection in accordance with the Commission's Public Information Rules (17 CFR 200.80).

(Secs. 2, 6, 17, 19, 23(a), 48 Stat. 881, 885, 897, 898, 901, secs. 4, 8, 49 Stat. 1379, sec. 5, 52 Stat. 1076, Public Law 87-196, 75 Stat. 465, Public Law 87-561, 76 Stat. 247, Public Law 90-438, 82 Stat. 453, Public Law 91-94, 83 Stat. 141, Public Law 91-410, 84 Stat. 862, 15 U.S.C. 78b, 78f, 78q, 78s, 78w(a); sec. 9(f), Public Law 91-598, 84 Stat. 1654, 15 U.S.C. 78jjj(f))

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

AUGUST 3, 1972.

ATTACHMENT A

SECURITIES AND EXCHANGE COMMISSION

MAY 26, 1972.

Dear [president of each national securities exchange]: As you are aware, on February 2, 1972, the Commission issued its policy statement on the future structure of the securities markets, which concluded, among other things, that membership on national securities exchanges registered with the Commission should be limited to those persons and entities having as their principal purpose the conduct of a public securities business and that registered exchanges should adopt rules excluding from membership any person or entity whose primary function is to rebate, recapture, or redirect commissions, or to act as broker in portfolio transactions, for affiliated persons. On February 15, 1972, we requested that each registered securities exchange consider, formulate, and discuss with us the adoption of exchange rules or the modification of existing exchange rules designed to effectuate the implementation of these policies. On March 10, 1972, we asked for further data, points of view or drafts of rules. In response to our letters, the Commission has received the carefully considered comments of each of the registered national securities exchanges, and the Commission has reviewed not only these responses but also the statements and testimony of various witnesses who appeared at the Commission's market structure hearings as well as various congressional hearings on this subject.

As a result of this review, it presently appears to the Commission that it is necessary and appropriate, (1) for the protection of investors, (2) to insure fair dealing in securities traded on registered securities exchanges, and (3) to insure the fair administration of registered securities exchanges, for the Nation's registered securities exchanges to adopt certain rules concerning exchange membership. Accordingly, pursuant to section 19(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (the "Act"), the Commission requests that your exchange effect changes in its rules and practices so as to require that every member or member organization of the exchange shall have as its principal purpose the conduct of a public securities business. We have attached a draft of an exchange rule which embodies the principles set forth above. We formally request that your exchange adopt a rule which incorporates the substance of the attached draft.

In order to avoid any hardship which might occur as a result of an immediate ban on existing institutional exchange members who do not have the principal purpose of conducting a public securities business, and who were members on July 23, 1970, provision may be made in the rule we are requesting you to adopt to require such exchange members to file a plan or other form of undertaking with your exchange to suspend the applicability of the rule as to them for a period not to exceed 5 years. The plan or undertaking submitted shall provide explicitly that during this 5-year period the exchange member shall make specified bona fide efforts, including a program of successively increasing the percentage of the member's public securities business, to comply with the requirements of the rule we are requesting your exchange to adopt.

Because we believe the interests of public investors require the prompt adoption of the above-described rule on institutional membership, we request pursuant to section 19 (b) of the Act that your exchange adopt the requested rule no later than July 31, 1972.

Sincerely yours,

WILLIAM J. CASEY,
Chairman.

PROPOSED EXCHANGE RULE ON INSTITUTIONAL MEMBERSHIP

(1) Every member or member organization shall have as its principal purpose the conduct of a public securities business. A member shall be deemed to have such a purpose if at least 80 percent of the value of exchange securities transactions effected by it during the preceding 6 calendar months, whether as a broker or dealer, is effected for or with persons other than affiliated persons or is effected pursuant to transactions of the kind described below:

(a) Any transaction by a registered specialist in a security in which he is so registered;

(b) Any transaction for the account of an odd lot dealer in a security in which he is so registered;

(c) Any transaction by a block positioner acting as such, except where an affiliated person is a party to the transaction;

(d) Any stabilizing transaction effected in compliance with Rule 10b-7 under the Securities Exchange Act of 1934 to facilitate a distribution of a security in which the member organization effecting such transaction is participating;

(e) Any bona fide arbitrage transaction, including hedging between an equity security and a security entitling the holder to acquire such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer, or similar transaction involving a recapitalization;

(f) Any transaction effected in conformity with a plan designed to eliminate floor trading activities which are not beneficial to the market, which plan has been adopted by the exchange and declared effective by the Commission;

(g) Any transaction made with the prior approval of a floor official to permit the member effecting such transaction to contribute to the maintenance of a fair and orderly market, or any purchase or sale to reverse any such transaction; or

(h) Any transaction to offset a transaction made in error.

(2) For purposes of this rule, an "affiliated person" of a member shall include the account of (i) any partner, officer, or director of such member, or any person performing substantially similar functions, and members of their immediate families; (ii) any person directly or indirectly controlling, controlled by or under common control with such member, whether by contractual arrangement or otherwise, provided, the right to exercise investment discretion with respect to an account, without more, shall not constitute control; and (iii) any investment company of which such member, or any person controlling, controlled by or under common control with such member, is an investment adviser within the meaning of the Investment Company Act of 1940. A person shall be deemed to control another person if such person has a right to participate to the extent of 25 percent or more in the profits of such other person or owns beneficially, directly or indirectly, 25 percent or more of the outstanding voting securities of such person.

[FR Doc.72-12850 Filed 8-11-72;8:55 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

[No. 124]

DIRECTOR, OFFICE OF CENTRAL AND WEST AFRICAN REGIONAL AFFAIRS

Redelegation of Authority Regarding Administration of Foreign Assistance Programs

1. Pursuant to the authority delegated to me as Assistant Administrator for Africa under the Administrator's Delegation of Authority No. 96, I hereby redelegate to the Director, Office of Central and West African Regional Affairs, located in Washington, D.C., with respect to the administration of foreign assistance programs for Gambia, Guinea, Mali, Mauritania, Senegal, Sierra Leone, Dahomey, Ivory Coast, Niger, Togo, Upper Volta, Cameroon, Central African Republic, Chad, Gabon, Equatorial Guinea, and Congo (Brazzaville), the authority delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations of authority, subject to the limitations applicable to the exercise of such authority by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of the Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid official the authority delegated to A.I.D. Mission Directors in A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda, and other instructions as they may be amended, supplemented, or superseded from time to time.

2. There are hereby rescinded the following Redelegations of Authority to the Director of the Regional USAID for Africa:

(1) Africa Redelegation of Authority No. 62, dated June 30, 1964;

(2) Africa Redelegation of Authority No. 68, dated September 21, 1964;

(3) Africa Redelegation of Authority No. 75, dated January 4, 1965;

(4) Africa Redelegation of Authority No. 78, dated February 24, 1965; and

(5) Africa Redelegation of Authority No. 100, dated July 3, 1967.

3. This Redelegation of Authority shall be effective as of February 13, 1970, and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Redelegation of Authority.

SAMUEL C. ADAMS, JR.,
Assistant Administrator for Africa.

JULY 31, 1972.

[FR Doc.72-12793 Filed 8-11-72;8:52 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

WOOL AND POLYESTER/WOOL WORSTED FABRICS FROM JAPAN

Determination of Sales at Less Than Fair Value

AUGUST 9, 1972.

Information was received on March 31, 1971, that wool and polyester/wool worsted fabrics from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of May 12, 1972.

I hereby determine that for the reasons stated below, wool and polyester/wool worsted fabrics from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information currently before the Bureau indicates that the proper basis of comparison is between purchase price and adjusted home market price of such or similar merchandise.

Purchase price was based on an exfactory, f.o.b., or delivered to customer's warehouse price, with appropriate deductions for inland freight, brokerage fees, and insurance.

Home market price was based on an exfactory or delivered to the customer's warehouse price, with deductions, as appropriate, for inland freight and insurance. Adjustments were made for differences in packing, inspection fees, discounts, credit terms, advertising, commissions, and for differences in the merchandise compared, as appropriate.

Comparisons between purchase price and adjusted home market price revealed that purchase price was lower than adjusted home market price.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-12849 Filed 8-10-72;2:00 pm]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM 049147]

FLORIDA

Notice of Proposed Withdrawal and Reservation of Land

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, has filed application BLM 049147 for the withdrawal of the land described below, from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights.

TALLAHASSEE MERIDIAN

T. 45 S., R. 23 E.,
Sec. 31, Lot 1 (Hemp Island).
T. 45 S., R. 23 E.
Sec. 31, Lot 1 (Merwin Key);
Sec. 32, Lot 1 (Merwin Key).

The areas described aggregate approximately 46.61 acres in Lee County, Fla.

The applicant desires the use of the land as the Hemp Island and Merwin Key National Wildlife Refuges for the management of migratory birds and other wildlife.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

WILLIAM J. DORASAVAGE,
Acting Manager.

AUGUST 4, 1972.

[FR Doc.72-12722 Filed 8-11-72;8:46 am]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale; Correction

AUGUST 9, 1972.

In the FEDERAL REGISTER issue of August 5, 1972, Volume 37, No. 152, starting at page 15885, the Department of the Interior announced an oil and gas lease sale offshore Louisiana. The following corrections to that notice are hereby made:

1. In the additional stipulation for Tracts Nos. La. 2247, 2248, and 2249, the phrase "showing how much placement and grouping * * *" should be changed to read "showing how such placement and grouping * * *"

2. Quotation marks should be added following the phrase "not to be opened until 10:00 a.m., c.s.t., September 12, 1972.

3. The dates of the following form numbers referred to in the notice should be changed as follows:

Form 1140-1 should be dated November 1969 instead of December 1971.

Form 1140-7 should be dated December 1971 instead of July 1971.

4. The acreage for Tract La. 2282 should read "4531.24" instead of "5531.24".

5. Add footnote No. 3 to Tract La. 2297.

6. Delete footnote No. 3 from Tract La. 2298.

7. The acreage for Tract La. 2319 should read "4999.96" instead of "4996.96".

8. In footnote No. 3, change the word "geological" to "geographical."

BURT SILCOCK,
Director,
Bureau of Land Management.

Approved: August 9, 1972.

JOHN W. LARSON,
Assistant Secretary of the Interior.

[FR Doc.72-12804 Filed 8-11-72;8:54 am]

Bureau of Reclamation

SAN JUAN GENERATING STATION, COAL MINE, AND TRANSMISSION LINES

Notice of Public Hearing Regarding Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the San Juan Generating Station, Coal Mine, and Transmission Lines. This statement (INT DES 72-79, dated August 3, 1972) was made available to the public on August 7, 1972.

The draft environmental statement deals with the construction of a coal-burning, thermal-electric generating station 12 miles northwest of Farmington, N. Mex., together with the coal mining operation and proposed transmission lines. The first 345-mw unit of this facility is presently under construction by Public Service Co. of New Mexico and Tucson Gas and Electric Co. Ultimate capacity of this facility is planned to be 1,690 mw. Cooling water will be furnished from the Bureau of Reclamation Navajo Reservoir.

A public hearing will be held in Farmington, N. Nex., at the City Council Meeting Room, Municipal Building, 800 Municipal Drive at 10 a.m. on September 15, 1972, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this plant. Oral statements at the hearing will be limited to a period of 15 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to make comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request, whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Request for scheduled presentation will be accepted up to 5 p.m., September 12, 1972, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present their statements at the hearing should contact Regional Director David L. Crandall, Bureau of Reclamation, Room 7201, 125 South State Street, Salt Lake City, UT 84111; Telephone (801) 524-5592, and announce their intention to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentation at the hearing should be sent on or before September 22, 1972, so that they can be included in the hearing record.

Dated: August 8, 1972.

ELLIS L. ARMSTRONG,
Commissioner,
Bureau of Reclamation.

[FR Doc.72-12729 Filed 8-11-72;8:47 am]

National Park Service

[Order 7, Amdt. 1]

SUPERINTENDENTS, ET AL., NORTHEAST REGION

Delegation of Authority

Order No. 7, approved February 25, 1972, and published in the FEDERAL REGISTER at 37 F.R. 6325 on March 28, 1972, set forth in subsections (a) through (f) of section 2, certain authority to officers and employees by the Director of the Northeast Region. This amendment adds subsection (g) and amends section 3 accordingly.

SEC. 2. *Delegation.* * * *

(g) *District Director, New York Office.* The District Director, New York Office, is authorized to execute, approve, and administer contracts for supplies, equipment, and services, including construction, not in excess of $200,000.

SEC. 3. *Redelegation.* The authority delegated in this Order No. 7 may not be redelegated except that the District Director, New York Office, or a Superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

(National Park Service Order No. 66, as amended, 36 F.R. 21218, dated November 4, 1971.)

Dated: July 7, 1972.

CHESTER L. BROOKS,
Director, Northeast Region.

[FR Doc.72-12764 Filed 8-11-72;8:50 am]

Office of the Secretary

[INT DES 72-82]

AUTHORIZED INITIAL STAGE OF OAHE UNIT, SOUTH DAKOTA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed diversion of water from Lake Oahe on the Missouri River for the purposes of irrigation, flood control, fish and wildlife enhancement, recreation, and municipal water. Written comments are invited within 45 days of this notice. Written comments can be directed to the Regional Director, Billings, Mont. (see complete address below).

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240; Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225; Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 2553, Billings, MT 59103; Telephone (406) 245-6711.

Missouri-Oahe Projects Office, Bureau of Reclamation, Post Office Box 825, Huron, SD 57350; Telephone (605) 352-8651.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va.,

22151. Please refer to the statement number above.

Dated: August 4, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-12719 Filed 8-11-72;8:46 am]

[DES 72-78]

PROPOSED CONSTRUCTION OF NATIONAL FISHERY RESEARCH CENTER, LA CROSSE, WIS.

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for a proposed construction of the National Fishery Research Center in La Crosse, Wis., and invites written comments within 45 days of this notice.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.
Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, Room 2246, 18th and C Streets NW., Washington, DC 20240.
Bureau of Sport Fisheries and Wildlife, Fish Control Laboratories, Post Office Box 862, La Crosse, WI 54601.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Please refer to the statement number above.

W. W. LYONS,
Deputy Assistant Secretary, Program Policy.

AUGUST 2, 1972.

[FR Doc.72-12717 Filed 8-11-72;8:46 am]

[DES 72-83]

PROPOSED MASTER PLAN—ACADIA NATIONAL PARK, MAINE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed Master Plan, Acadia National Park, Maine.

The statement considers the effects of a conceptual Master Plan for the management and use of Acadia National Park.

Written comments on the environmental statement are invited and will be accepted for a period of forty-five (45) days following publication of this notice. Comments should be addressed to the Superintendent, Acadia National Park (address given below).

Copies of the draft environmental statement are available from or for inspection at the following locations:

Northeast Regional Office, National Park Service, 143 South Third Street, Philadelphia, PA 19106.
Superintendent, Acadia National Park, Hulls Cove, Maine 04644.

Dated: August 7, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-12718 Filed 8-11-72;8:46 am]

E. E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) June 7, 1972, Upjohn, sold 400 shares; April 24, 1972, Free States Geduld Mines, Ltd., ADR, purchased 500 shares; May 10, 1972, Anglo American Gold Investment Co., Ltd., ADR, purchased 500 shares; June 7, 1972, Vaal Reefs Exploration & Mining Co., Ltd., ADR, purchased 500 shares; July 13, 1972, Los Angeles PN NTS Tax Exempt Bonds, purchased $50,000. Standard Oil Company of California added approximately 270 shares re company stock plan since August 21, 1971. (Total owned as of June 30, 1972, about 3,625 shares.)
(3) None.
(4) None.

This statement is made as of August 23, 1972.

Dated: August 1, 1972.

E. E. WALL.

[FR Doc.72-12721 Filed 8-11-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Licensed Exhibitors

Pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579), (7 U.S.C. 2131 et seq.), the following exhibitors were licensed under said Act and regulations as indicated below:

ALABAMA

Birmingham Zoo, 2630 Cahaba Road, Birmingham 35223.

COLORADO

Cheyenne Mountain Zoological Park, Box 158, Colorado Springs 80901.
Denver Zoological Foundation, Denver 80205.

CONNECTICUT

Commerford-Shea, 41 Chestnut Drive, Wolcott 06716.
Ralph L. Emerson, doing business as Emerson's Wild Animal Farm, 132 Tryon Street, South Glastonbury 06033.

FLORIDA

Jacksonville Zoological Society, 8605 Zoo Road, Jacksonville 32218.
David L. Salisbury, doing business as Royal Panthers, 1519 Cambridge Drive, Cocoa 32922.

GEORGIA

Tift Zoological Park, 1314 North Monroe Street, Albany 31705.

INDIANA

Buck Lake Ranch, Inc., Post Office Box 270, Angola 46703.
Warren and Marjorie Harding, 382 West Main, Peru 46970.
Indianapolis Zoological Society, 3120 East 30th Street, Indianapolis 46218.
Mystery Forrest, Route 2, Angola 46703.
Santa Claus Land, Inc., Box 36, Santa Claus 47579.
Earl F. Woodard, Route 7, Box 206, Martinsville 46151.

ILLINOIS

Chicago Zoological Park, 3300 South Golf Road, Brookfield 60513.
Joe T. Frisco, doing business as Exotic Animal Petting Zoo Animal Show, 1003 East Nebraska Avenue, Peoria 61603.
Glen Oak Zoo, 2500-A Prospect Road, Peoria 61603.

KENTUCKY

Boyd P. Abrams, doing business as Dog Patch Zoo, Post Office Box 56, Flat Lick 40935.
Louisville Zoological Garden, 1100 Trevilian Way, Louisville 40213.

MASSACHUSETTS

Caprow Park Zoo, County Street, Attleboro 02703.
Forest Park Zoological Society, Inc., Post Office Box 235, Forest Park Station, Springfield 01108.
Worcester Science Center, 222 Harrington Way, Worcester 01604.

MARYLAND

Earl and Evelyn H. Ambrose, Route 2, Box 1138, Hagerstown 21740.

MICHIGAN

Animal Kingdom Wildlife Refuge, James C. Westra, 9320 South Division, Byron Center 49315.
Dutch Village, Inc., Box 703, Holland 49423.
Kurt Helde, 13750 Shire Road, Wolverine 49799.
Roger Jourden, 4750 Whitehall Road, Muskegon 49445.
Plank Road Farm, 156 West Superior Street, Wayland 49348.
Curtis L. Smith, Post Office Box 204, Baldwin 49304.
Louis J. Trisch, 1225 South Fenner Road, Caro 48723.

MISSISSIPPI

Jackson Zoological Park, 2918 West Capitol Street, Jackson 39209.

NEW HAMPSHIRE

Benson Wild Animal Farm, Inc., Hudson 03051.
Natureland, Inc., Route 3, Lincoln 03251.

NEW JERSEY

John W. Ward, Jr., 526 West Saddle River Road, Ridgewood 07450.

NEW YORK

Robert S. McCormick, Box 175, Felts Mills 13638.
Seneca Park Zoo, 2222 St. Paul Street, Rochester 14621.

NORTH CAROLINA

Tote-Em-In-Zoo, Route 2, Box 368, Wilmington 28401.

OHIO

City of Akron, 960 Evans Avenue, Akron 44305.
Cleveland Zoological Park, Post Office Box 09040, Cleveland 44109.

OKLAHOMA

Carson & Barnes Circus, Inc., Post Office Box 2, Hugo 74743.
Reptile Village, Route 2, Erick 73645.
W. V. Shearer, Route 1, Mooreland 73852.

OREGON

City of Klamath Falls, City Hall, 226 South Fifth, Klamath Falls 97601.
Lloyd W. Gilbert, Route 1, Box 759C, Bandon 97411.
Lloyd D. Holland, Box 77, Chiloquin 97624.
Stella K. Johnson, Redwood Highway 38548, O'Brien 97534.
Roy G. Kabat, Route 1, Box 372, Jacksonville 97530.
Garth R. McGuire, City Hall, Ashland 97520.
Portland Zoological Gardens, 4001 Southwest Canyon Road, Portland 97221.
Woodland Deer Park, 27893 Redwood Highway, Cave Junction 97523.

PENNSYLVANIA

Erie Zoological Society, 653 Shunpike Road, Erie 16508.
Basil K. Guyer, Fort Louden 17224.
William C. Holmberg, doing business as Frontier Zoo, Box C, Ligonier 15658.
Clyde R. Peeling, doing business as Clyde Peeling's Reptiland, Box 66, Allenwood 17810.
William H. Richard, Box 117, Mercersburg 17236.

TENNESSEE

Knoxville Municipal Zoo, Post Office Box 1631, Knoxville 37901.

NORTH DAKOTA

Dakota Zoological Society, Inc., Box 711, Bismarck 58501.
Gold Seal Co., c/o Medora Zoo, Medora 58645.
Roosevelt Park Zoo, Post Office Box 538, Minot 48701.

TEXAS

Abilene Zoological Society, Box 60, Abilene 79604.
Dianne Wilson Allen, Post Office Box 971, Donna 78537.
Amarillo Parks and Recreation Division, Box 1971, Amarillo 79105.
Mr. Raymond Arras, El Paso Zoological Park, Washington Park, El Paso 79905.
Board of Park Commissioners, 10901 South Padre Island, Corpus Christi 78418.
Central Texas Zoological Society, Post Office Box 3245, Waco 76707.
City of Gainesville, Post Office Drawer J, Gainesville 76240.
City of Lufkin, Post Office Drawer 190, Lufkin 75901.
City of Sinton, Post Office Box 1395, Sinton 78387.
Commanche Trails Museum and Zoo, Post Office Box 839, Kermit 79745.
Contemporary Arts Museum, 5216 Montrose, Houston 77006.
Dallas Zoo, 621 East Clarendon Drive, Dallas 75203.
Fort Worth Zoological Park, 2727 Zoological Drive, Fort Worth 76110.
Gladys Porter Zoo, 500 Ringgold Street, Brownsville 78520.
Carmen A. Hall, Route 1, Box 762, Mesquite 75149.
James K. Hall, Route 1, Box 762, Mesquite 75149.
Lion Country Safari, Inc., Post Office Box 637, Grand Prairie 75050.
San Antonio Zoological Society, 3903 North St. Mary's Street, San Antonio 78212.
Spring Lake Park Zoo, Post Office Box 1967, Texarkana 75501.
Texas Snake Farm, Route 1, Box 487, New Braunfels 78130.
World of Animals Co., Box 305, Mesquite 75149.

VIRGINIA

Mill Mountain Zoo, City of Roanoke, Municipal Building, Roanoke 24011.

WASHINGTON

Woodland Park Zoological Gardens, 5500 Phinney Avenue North, Seattle 98103.

Done at Washington, D.C., this 8th day of August.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.72-12805 Filed 8-11-72;8:54 am]

ANIMAL WELFARE

List of Registered Exhibitors

Pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579) (7 U.S.C. 2131 et seq.), the following exhibitors were registered under said Act and regulations as indicated below:

ALASKA

Alaska Children's Zoo, Box 1730S, Star Route, Anchorage 99507.

ARIZONA

Arizona-Sonora Desert Museum, Post Office Box 5607, Tucson 85703.
Arizona Zoological Society, Post Office Box 5155, Phoenix 85010.
Belmonte Zauatta, 15520 North 38th Street, Phoenix 85032.
City of Tucson Randolph Park Zoo, 900 South Randolph Way, Tucson 85716.
Queen Creek Land and Cattle Corp., Suite 1307, 3443 North Central Avenue, Phoenix 85012.
Southwest Trail Dust Zoo, Post Office Box 4007, Bisbee 85603.
Tropic Gardens Zoological Park, 6232 North Seventh Street, Phoenix 85014.

CONNECTICUT

City of Hartford, 25 Stonington, Hartford 06106.
City of Norwich, City Hall, Norwich 06360.
Roger Goodwin, Route 5, Warehouse Point 06088.
Herbert F. Moran Nature Center and Zoo, Municipal Building, New London 06320.
West Rock Nature Recreation Center, Post Office Box 2969, New Haven 06515.
Willington Game Farm, Old Farms Road, Willington 06279.

FLORIDA

Clyde Beatty-Cole Brothers Circus, 1713 South Orange Avenue, Sarasota 33577.
David C. Hoover, 665 West 38th Street, Hialeah 33012.
Jack Joyce, Box 1570, Winter Park 32789.
Mrs. Margaret B. Porter, Post Office Box 157, Gibsonton 33534.
Shell Land Nov. Co., Inc., 14788 U.S. 19 South, Clearwater 33516.
Wild Kingdom, Inc., 233 East Robinson Street, Orlando 32801.

GEORGIA

Dick Lunsford, Route 2, Douglas 31533.

HAWAII

Island Holidays, Ltd., doing business as Coco Palms Resort Hotel, Box 631, Lihue 96766.

ILLINOIS

Children's Prairie Farm, 706 Holiday Park Drive, Champaign 61820.
Scovill Farm Zoo, Box 1136, Decatur 62525.

MARYLAND

Baltimore Zoo, Druid Hill Park, Baltimore 21217.
Dykes Brothers Attraction, Merritt Road, Salisbury 21801.
Richard A. Hahn, doing business as Catoctin Mountain Zoological Park, Thurmont 21788.
Marjec, Inc., Shawnee-Land, Olney 20832.
Salisbury Zoological Garden, Post Office Box 791, Salisbury 21801.

MASSACHUSETTS

Araserv, Inc., Northampton Street, Holyoke 01040.

MICHIGAN

John Ball Zoological Gardens, 301 Market SW., Grand Rapids 49502.
Ernest H. Cederberg, 2093 Coggins Road, Pinconning 48650.
City of Mount Pleasant, 120 South University, Mount Pleasant 48858.
Clinch Park Zoo, Grand View Parkway, Traverse City 49684.
LeRoy and June Clough, Evergreen Resort, Route 2, M-65, Hale 48736.
Currie-Wilson Enterprises, Post Office Box 227, Midland 48640.
Darwin L. Dickey, Pine Ridge Amusement, 7784 Main Street, Birch Run 48415.
Thomas J. Harris, 1507 South Lake Mitchell Drive, Cadillac 49601.
D. B. and Kay E. Hill, SantaLand and the Woodshed, 2515 North Euclid, Bay City 48706.
N. E. Isaacson of Michigan, Inc., 5477 Sugar River Road, Gladwin 48624.
Johnny's Fish and Game Park, 5511 East 40½ Road, Cadillac 49601.
Kalamazoo Nature Center, 7000 North Westnedge, Kalamazoo 49007.
W. G. Mayer, 7606 Hix Road, Westland 48185.
Edison Institute, Greenfield Village, Dearborn 48121.
Ogemaw Game Refuge, Ten Lakes Sportsmen Club, 5626 West Rose City Road, West Branch 48661.
Gloria Peebles, 18810 Cardoni, Detroit 48203.
Saginaw Children's Zoo, 1694 South Washington, Saginaw 48601.
Scidmore Park, Three Rivers 49093.
Charles Towne, Lion Kingdom, 1250 Bard Road, Gladwin 48264.
Dirk B. Waltz, 625 Linwood Beach Road, Linwood 48634.

MISSISSIPPI

Mrs. Eugene C. McWilliams, Route 1, Box 108, Picayune 39466.

MISSOURI

Max Allen's Zoological Gardens, U.S. 54 South Eldon 65026.
Hooten Holler Exotic Game Preserve, Ltd., Post Office Box 3463, Kimberling City 65686.
Ozark Deer Farm, Route 3, Eldon 65026.
Six Flags Over Mid-America, Inc., Post Office Box 248, Eureka 63025.
Springfield Public Park Board, 1536 East Division Street, Springfield 65803.

MONTANA

The Trap, Inc., Route 1-A, Box 173, Columbia Falls 59912.

NEVADA

August W. Augspurg, 6607 Escondido Street, Las Vegas 89109.
Jan Berosini, Savoy Motel, 496 West Keno Lane, Las Vegas 89109.
Armando and Anna Farfan, 4040 Pearl, Las Vegas 89109.
Siegfried Fischbacker and Roy UWE Horn, partners, 904 Valley Drive, Las Vegas 89108.
Sparks Nugget, Inc., Box 797, Sparks 89431.
Jan Vinicky (Jenda Smaha), Post Office Box 14715, Las Vegas 89114.

NEW HAMPSHIRE

Jewell Animal Farm, Jaffrey 03452.
The Friendly Farm, Inc., Box 76, Dublin 03444.
Santa's Village, Inc., Box 8, Jefferson 03583.

NEW JERSEY

Tibor Alexander, 62 Central Avenue, Hillsdale 07642.
Cohanzick Zoo, Bridgeton 08302.
Earl and Elizabeth Hammond, 197 Morristown Road, Gillette 07933.
Hunt's Circus, Post Office Box 66, Florence 08518.
Charlotte LeVine, Box 34, Florence 08518.
Phifer's Animal Farm, 197 Morristown Road, Gillette 07933.
Henry Ricci, Rural Delivery 6, Bridgeton 08302.
Franklyn T. Terry, 1451 Raritan Road, Scotch Plains 07076.
Turtle Back Zoo, 560 Northfield Avenue, West Orange 07052.

NEW YORK

Fox's Wild Animal Farm, Inc., Route 152, West Sand Lake 12196.

NORTH CAROLINA

Country Park Zoo and Natural Science Center, 4301 Lawndale Drive, Greensboro 27408.
Kiddie Zoo, Post Office Box 1810, Wilmington 28401.

NORTH DAKOTA

Wahpeton Zoo, Wendell Langendorfer, Curator, Rural Route 2, Wahpeton 58075.

OHIO

Eloise C. Berchtold, 7678 East Kemper Road, Cincinnati 45242.
Cleland's Deer Acres, Route 1, Bainbridge 45612.
Harry N. Eckenrode, 1596 Grandview Avenue, Apartment B, Columbus 43212.
Bob Evans Farms, Inc., Box 154, Rio Grande 45674.
Lena Rosselott, Box 25, Sardinia 45171.
Sea World of Ohio, Inc., Post Office Box 237, Aurora 44202.
Randon Sink, 38 Jasper Street, Dayton 45409.

OKLAHOMA

Muhammad Boud-hal, 3504 Willow Creek Drive, Midwest City 73110.
J. R. Jenni, Route 4, Box 1595, Edmond 73034.

PENNSYLVANIA

Windsor C. Eveland, Rural Delivery 1, Mount Union 17066.
Mabel E. Frederick, Rural Delivery 1, Watsontown 17777.
Headacres Dairy Farm, Rural Delivery 2, Muncy 17756.
Heasley's Trading Post, Rural Delivery 1, Lewis Run 16738.
Klondike Gift Shop, Kinzua Heights, Bradford 16701.
Linvilla Orchards, 137 Knowlton Road, Media 19063.
Old McDonald's Farm, Inc., Rural Delivery 1, Butler 16001.
Woodrow W. Parmer, Rural Delivery 1, Needmore, 17238.
Kenneth Rayner, Rural Delivery 1, Box 264, Edinburg 16116.
Story Book Forest, Inc., Box F, Ligonier 15658.
Storyland, Schellsburg 15559.
Tioga Hunting Preserve, Tioga 16945.
Union County Sportsmen Club, Inc., Welkert 17885.

SOUTH CAROLINA

Mr. Ray Alexander, Route 1, Clover 29710.
James W. Meeks, Route 1, Wellford 29385.
Nature Museum of York County, Route 4, Box 211, Rock Hill 29730.
Smith's Truck Stop, Winnsboro 29180.
Clyde Stevenson, Route 3, Lancaster 29720.

TENNESSEE

Betty L. Miller, Etowah 37331.
Bill Mills, Route 1, Rockwood 37854.
Mr. Hines Rucker, Watertown 37184.
Buck Sorell Enterprises, Inc., Post Office Box 77, Whitehouse 37188.

VIRGINIA

Frank B. Childress, Route 1, Box 214, New Market 22844.
Department of Parks, City of Hampton—City Hall, Hampton 23369.
Hofheimer's, Inc., 325 Granby Street, Norfolk 23510.
Peninsula Nature and Science Center, 524 J. Claude Morris Boulevard, Newport News 23601.
Staunton City Zoo, Post Office Box 58, Staunton 24401.

WASHINGTON

City of Centralia Park Department, City Hall, Centralia 98531.
Everett Park and Recreation Department, Forest Park, Everett 98203.

WEST VIRGINIA

Ernest R. Meadows, Route 4, Box 107, Grafton 26354.

WISCONSIN

M. J. and Allen H. Cornford, Rural Route 1, Randolph 53956.
Deer Park Athletic C Club, Deer Park 54007.
Everett Duval, Route 3, New Auburn 54757.
Gannons Birchwood Resort, Rural Route 1, Lodi 53555.
James Grunewald, Route 2, Fall Creek 54742.
Hans Brothers, Rural Route 2, Jefferson 53549.
Peter Kapsy, Gilman 54433.
Dr. Alvin Lebeck, Route 2, Phillips 54555.
Milwaukee County Zoo, 10001 West Bluemound Road, Milwaukee 53226.
Mrs. Richard Noziska, Westboro 54490.
L. A. Nyguard, doing business as Kettles the Clown and his Animal Friends, Route 1, Box 175A, Wisconsin Dells 53965.
Racine Zoological Park, 2131 North Main Street, Racine 53402.
John M. Rauchnot, J. R. Ranch, Inc., Route 1, Hudson 54016.
J. J. Schrock, Route 3, Medford 54451.
William L. Shay, Route 3, New Richmond 54017.
Arthur E. Webb, Route 1, Sullivan 53178.
Francis Welch, Luger Route, Phillips 54555.
Fred Wendland, Park Falls 54552.
Leon Wnek, Thorp 54433.

WYOMING

City of Cheyenne, City-County Building, Cheyenne 82001.

Done at Washington, D.C., this 8th day of August.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.72-12806 Filed 8-11-72;8:54 am]

Packers and Stockyards Administration

L.A. HORSE AND MULE AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard and date of posting

CA-161 L.A. Horse and Mule Auction, Vernon, Calif., May 16, 1939.
GA-115 Bartow Livestock Commission Co., Cartersville, Ga., April 11, 1963.
MI-139 Three Rivers Livestock Auction, Inc., Three Rivers, Mich., May 17, 1962.
MO-184 M.F.A. Livestock Association, Inc., Princeton Concentration Point, Princeton, Mo., January 8, 1969.
TX-210 Longview Livestock Commission Co., Longview, Tex., January 10, 1957.
TX-273 Tyler Livestock Marketing Co., Tyler, Tex., January 11, 1957.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (8-12-72).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 8th day of August 1972.

G. H. HOPPER,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-12807 Filed 8-11-72;8:54 am]

Soil Conservation Service

HORSE RANGE SWAMP WATERSHED PROJECT, SOUTH CAROLINA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a draft environmental statement for the Horse Range Swamp Watershed Project, Orangeburg County, S.C., USDA-SCS-ES-WS-(ADM)-73-9-(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and agricultural water management. The planned works of improvement include conservation land

treatment supplemented by 25 miles of channel work.

This draft environmental statement was transmitted to CEQ on August 4, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agriculture Building, Room 5227, 12th Street and Independence Avenue SW., Washington, D.C. 20250.
USDA, Soil Conservation Service, Federal Building, 901 Sumter Street, Columbia, SC 29201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are invited from anyone having knowledge of or special expertise with respect to environmental impacts.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. George E. Huey, State Conservationist, Soil Conservation Service, 901 Sumter Street, Columbia, SC 29201.

Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

Date: August 9, 1972.

WM. B. DAVEY,
Acting Administrator,
Soil Conservation Service.

[FR Doc.72-12668 Filed 8-11-72;8:54 am]

NESCOPECK CREEK WATERSHED PROJECT, PA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture, has prepared a draft environmental statement for the Nescopeck Creek Watershed Project, Luzerne County, Pa., USDA-SCS-ES-WS-(ADM)-72-28(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment supplemented by one multiple-purpose reservoir.

The draft environmental statement was transmitted to CEQ on August 3, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agriculture Building, Room 5227, 12th Street and Independence Avenue SW., Washington, D.C. 20250.
USDA, Soil Conservation Service, Federal Building and Courthouse, Box 985 Federal Square Station, Harrisburg, PA 17108.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va., Zip No. 22151. Please refer to the name and number of the statement above when ordering. The estimated cost is $3.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are invited from anyone having knowledge of or special expertise with respect to environmental impacts.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Benny Martin, State Conservationist, Soil Conservation Service, Federal Building and Courthouse, Box 985, Federal Square Station, Harrisburg, PA 17108.

Comments must be received within 60 days of the date the draft statement was transmitted to the Council on Environmental Quality in order to be considered in the preparation of the final environmental statement.

Dated: August 9, 1972.

WM. B. DAVEY,
Acting Administrator,
Soil Conservation Service.

[FR Doc.72-12669 Filed 8-11-72;8:54 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

CHILDREN'S HOSPITAL MEDICAL CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00018-33-46070. Applicant: The Children's Hospital Medical Center, 300 Longwood Avenue, Boston, MA 02115. Article: Scanning Electron Microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the chemical composition of subcellular structure and macromolecular components of cartilage, bones, and teeth, and other selected organs involved in mineral metabolism. Application received by Commissioner of Customs: July 10, 1972.

Docket No. 73-00019-33-46500. Applicant: Department of Chief Medical Examiner-Coroner, 104 North Mission Road, Los Angeles, CA 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of biological, mainly human tissues, derived from actual coroner's cases, to determine at the fine structural levels the structural bases of transport of macromolecules into and across cells under physiological and pathological conditions. Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00020-33-46595. Applicant: University of Missouri, Department of Anatomy, School of Medicine, Columbia, Mo. 65201. Article: Pyramitome, LKB 11800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a developing research project to investigate the extent of differentiation and relationships to functional needs during pouch development and weaning in the opossum. The systems and organs investigated include respiratory system, gastrointestinal system, hemopoietic organs and male reproductive system. Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00021-33-46500. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of the fine structural alterations which occur in the early stages of experimental and human artherosclerosis. As part of the education for advanced degrees in pathology, candidates for the Master's and Ph. D. degrees will be taught to operate the article. Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00022-33-46500. Applicant: Dartmouth Medical School, Hanover, N.H. 03755. Article: Utramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in investigations of biological materials, primarily normal and pathological tissues to shed further light on the cellular and subcellular derangements leading to

the expression of developmental malformations in mammalian species, including man. The article will also be used for the instruction of medical and graduate students taking courses in microscopic anatomy, cytology and experimental embryology. Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00024-33-46500. Applicant: Ambassador College, 300 West Green Street, Pasadena, CA 91105. Article: Ultramicrotome, Model LKB 800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments conducted on cellular structures of healthy organ cells, various mesophile and thermophile flagella, normal and altered structures of DNA and its complexes to reveal the changes at the ultrastructural level of the cell due to controlled physiological and pathological conditions based on a normal nutritional standpoint. In addition experiments will be conducted to study molecular structures of various biological polymers such as amylose and amylopectin in starch granules and studies on DNA, and flagella structures. The article will also be used as a teaching tool in a course on physical chemical techniques offered for advanced chemistry and biology students. Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00025-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for structural studies of cellular membranes accompanied by X-ray and neutron diffraction, biochemical and genetic studies in a cooperative effort of several investigators. Other experiments will include structural analysis of isolated gap junctions from mammalian liver and correlated X-ray diffraction and electron microscope studies with nerve myelin. The article will also be used as a teaching instrument for graduate students and postdoctoral fellows in training in the methods of electron microscopy in addition to other aspects of Cell Biology. Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00026-65-14200. Applicant: Carnegie-Mellon University, 5000 Forbes Avenue, Pittsburgh, PA 15213. Article: Quantimet 720, Image Analysing Computer. Manufacturer: Metals Research Limited, United Kingdom. Intended use of article: The article is intended to be used in a wide range of research programs some of which include the following:

(1) Quantitative description of the solidification of a dendrite primary stalk and a cellular solid-liquid interface.

(2) Diffusion analysis in engineering materials systems to develop a better understanding of the manner in which research on the scientific aspects of solid-state diffusion may be applied to problems involving engineering materials.

(3) Determination of grain boundary shapes and misorientation across boundaries by analysis of etch pit misorientations.

(4) Automatic quantitative measurement of microstructures in application of "Computer Aided Interpretation of Radiographic Studies of Defects in Engineering Materials."

Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00027-33-46040. Applicant: The University of Michigan, School of Dentistry, 1011 North University, Ann Arbor, MI 48104. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to observe ultrastructural morphology of oral-facial tissues of mice, rats, rabbits, and humans consisting of abnormally developed cleft lip and palatal material and compare to normal tissues. Tooth tissues will also be observed to better understand the relationship of dentin development related to neural growth. The article will also be used in instructing graduate students in the methods of electron microscopy. Application received by Commissioner of Customs: July 12, 1972.

Docket No. 73-00029-01-19000. Applicant: The Johns Hopkins University, 34th and Charles Streets, Baltimore, Md. 21218. Article: Digital Precision Density Meter. Manufacturer: Anton Paar KG, Austria. Intended use of article: The article is intended to be used to measure the density of viscous proteins from muscle such as myosin, paramyosin, F-actin, and their subunits in order to calculate precise partial specific volumes. This information will provide added precision to the determination of molecular weights in the ultracentrifuge and is necessary for studying the size and shape of proteins of muscle. The article will also be used for monitoring the salt gradient of the preparative columns used for purifying myosin and other proteins from muscle. In addition the article is intended to be used for training in various techniques, including methods of enzyme purification, differentiation, and gradient centrifugation and statistical analysis of data. Application received by Commissioner of Customs: July 13, 1972.

Docket No. 73-00030-33-75300. Applicant: State University of New York at Buffalo, Department of Pathology, Bell Facility Plant, 180 Race Street, Box U, Station B., Buffalo, NY 14207. Article: Semiautomatic radioautographic coating instrument. Manufacturer: Mr. V. Avarlaid, Canada. Intended use of article: The article will be used in studies of the quantitative localization of receptor sites in nerve-muscle junctions in normal animals and in those with muscular dystrophy. The device will be used to coat sections of tissue on slides with a liquid photographic emulsion and withdraw the slide at reproducible speed from a temperature controlled water bath which is part of the instrument. Application received by Commissioner of Customs: July 14, 1972.

Docket No. 73-00031-33-46040. Applicant: Brooklyn College, Department of Biology, Bedford Avenue and Avenue "H", Brooklyn, N.Y. 11210. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the study of particles having a virus-like morphology found in the soil amoeba, Naegleria gruberi to learn about the nature of these particles, their various developmental stages as seen in the cytoplasm of infected cells, and the means by which they pass from one cell to the next. Application received by Commissioner of Customs: July 14, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-12753 Filed 8-11-72;8:49 am]

KANSAS STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00002-33-46040. Applicant: Kansas State University, Division of Biology, Ackert Hall, Manhattan, Kans. 66506. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to examine biological cells in stages of division, including both mitosis and meiosis; cultured cells in states of differentiation and specialization of function; cells secreting calcium for deposition in extracellular matrices; and viruses and virus-infected cells during studies which relate to fundamental research of biological problems, many of which have medical orientation and implications. The article will also be used for instructing graduate students and faculty members in the

use of the electron microscope. Application received by Commissioner of Customs: July 3, 1972.

Docket No. 73-00003-33-46040. Applicant: U.S. Department of Agriculture, ARS, Management Services Division for Research, Post Office Box 53326, 701 Loyola Avenue, Room T-12024, New Orleans, LA 70153. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to examine ultrathin sections of animal, insect, and plant tissues in studies to determine the structural and histochemical changes that occur in cellular substructure as the result of intoxication by chemicals or micro-organisms. Application received by Commissioner of Customs: June 15, 1972.

Docket No. 73-00005-33-46040. Applicant: DHEW, PHS, ACOSH, ALFORD, 944 Chestnut Ridge Road, Morgantown, WV 26505. Article: Electron microscope, Model EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for investigations on biological constituents of the lung related to structural and pathological changes as they affect the physiological integrity of this organ. Various aspects of tissue morphology when exposed to environmental dusts and various metabolites are to be studied. The article will also be used in a course covering the general aspects of electron microscopy with emphasis on preparation and interpretation of results in conjunction with biochemical analysis. Application received by Commissioner of Customs: July 5, 1972.

Docket No. 73-00006-33-46070. Applicant: University of North Dakota, Department of Anatomy, Grand Forks, N. Dak. 58201. Article: Scanning electron microscope, Model S4. Manufacturer: Cambridge Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used for mapping the surface contours of the brain and spinal cord and other linings of the subarachnoid space in experimental animals. Areas of special interest are: (a) Surface contours of brain and spinal cord, (b) nerve exits from the subarachnoid space, and (c) surface contours of structures passing through subarachnoid space; nerves, arteries, veins, arachnoid trabeculae. The results of this research will be used in routine medical courses for freshman medical students. Application received by Commissioner of Customs; July 3, 1972.

Docket No. 73-00007-33-43400. Applicant: University of Pennsylvania, School of Medicine, Department of Pharmacology, 36th and Hamilton Walk, Room 92, Medical School, Philadelphia, Pa. 19104. Article: Automatic stepping micromanipulator with electronic control unit. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used in research on the activity of nerve cells in the brain and spinal cord. It will be used to place electrodes inside single nerve cells in the brain and spinal cord and to assess their functional status by measuring their electrical activity to determine how nerve cells react to various physiological and pathological conditions. In connection with this research, both predoctoral and postdoctoral students will be learning the use of the instrument and the techniques involved. Application received by Commissioner of Customs: July 3, 1972.

Docket No. 73-00008-33-77030. Applicant: U.S. Department of Agriculture, ARS, Management Services Division for Research, 701 Loyola Avenue, New Orleans, LA 70113. Article: NMR spectrometer, Model JNM-PS-100. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for:

(1) Ultrastructural studies of cell wall constituents to determine structural features of the polymeric compounds which affect digestibility;

(2) Structural elucidation of beneficial and/or deleterious biologically active constituents in forages and feeds at very low concentrations (μg./ml. level);

(3) Studies of silica deposition and sites of deposition in plants;

(4) Identification and determination of pesticide residues and metabolites in forages, feeds, and animals ingesting forages and feeds;

(5) Studies of protein structure and conformation to include the sequencing of amino acids; and

(6) Studies designed to elucidate the nature of polymer cross-linking in cell wall constituents.

Application received by Commissioner of Customs: June 26, 1972.

Docket No. 73-00009-99-46040. Applicant: Brooklyn College, Department of Biology, Bedford Avenue and Avenue "H," Brooklyn, N.Y. 11210. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the courses: Biological Electron Microscopy (Biology U772G), and Advanced Study (Biology U791.1G, U792.2G), respectively, to familiarize graduate students with preparation of biological material for electron microscopy and with operation of the electron microscope to examine such prepared material; and to study particle research problems as, for example, the development of chloroplasts in colorless Euglena. Application received by Commissioner of Customs: July 3, 1972.

Docket No. 73-00010-93-70000. Applicant: University of Colorado, Purchasing Services Department, Regent Hall, Box 8, Boulder, CO 80302. Article: Nett radiometer, SRI 4. Manufacturer: Solar Radiation Instruments, Australia. Intended use of article: The article is intended to be used in investigations to determine the energy balance of the alpine and arctic tundra surfaces and arctic sea ice and snowfields. The experiments to be conducted will consist of measuring energy exchange between the alpine tundra and arctic tundra surfaces at latitude 40°03'34" N. by 105°37'02" W., and latitude 67°33' N. by 64°03' W. respectively in the 0.25 to 50 micron band as well as measuring energy exchange of the arctic sea ice and snowfields. The article will also be used to conduct research of the following projects:

(1) "Summer institute in mountain ecology for college teachers,"

(2) "Student science training project, precollege,"

(3) "Undergraduate research participation program," and

(4) "Tundra biome."

In addition, the article is required for master's thesis project "Energy Balance of the Alpine Tundra" and Ph. D. project "Energy Balance in the Eastern Arctic." Application received by Commissioner of Customs: July 5, 1972.

Docket No. 73-00012-01-06200. Applicant: Mayo Foundation, 200 First Street SW., Rochester, MN 55901. Article: Vickers multichannel 300 automated analysis system. Manufacturer: Vickers Ltd. Medical Engineering, of Basingstoke, United Kingdom. Intended use of article: The article is intended to be used to perform quantitative chemical analysis of serum or plasma for chemical constituents, alteration of which are indicative of disease processes. Application received by Commissioner of Customs: June 26, 1972.

Docket No. 73-00013-90-46070. Applicant: Northwestern University, Department of Materials Science, The Technological Institute, Evanston, Ill. 60201. Article: Scanning electron microscope, Model JSM-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a large number of teaching and research programs throughout the university which will include:

(1) The study of multicomposition materials,

(2) The study of the composition of defects, as well as the condition of the matrix surrounding the defect in compound semiconductors, binary alloys, and composite materials,

(3) Examination of polycrystalline alloys for composition and orientation of the polycrystals, and chemical composition changes near the grain boundaries,

(4) Biological studies involving diffusion of elements across cell membranes or into various organs.

The article will also be used in several courses including Materials Science 750-C65, designed to introduce students to the theory of electron optics, methods and operations in electron microscopy, electron diffraction, image contrast and applications to materials science, and Biological Sciences 409-C65, a course in submicroscopic cytology including electron microscopy and its applications. Application received by Commissioner of Customs: July 5, 1972.

Docket No. 73-00014-63-73610. Applicant: University of Georgia, Department of Plant Pathology and Genetics, No. 215 Food Science Building, Athens, Ga. 30601. Article: Volumetric recording spore trap. Manufacturer: Burkard Scientific (Sales) Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine air spora

in experimental studies to determine conditions favoring buildup of disease. Application received by Commissioner of Customs: July 7, 1972.

Docket No. 73-00015-01-19000. Applicant: University of California, Virus Laboratory, Room 229, Stanley Hall, Berkeley, Calif. 94720. Article: Precision density meter. Manufacturer: Anton Paar KG, Austria. Intended use of article: The article is intended to be used for rapid and precise measurements of the densities of various types of solutions during ultracentrifuge studies of the regulatory enzyme, aspartate transcarbamylase. Application received by Commissioner of Customs: July 5, 1972.

Docket No. 73-00016-65-46070. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in experiments to determine how the structure of various materials (minerals, cements, woods, oxides, metals, and alloys, semiconductors, meteorites, and polymers) can be modified by various treatments to improve properties. Typical experiments include:

(I) Measuring charge distribution on thin film semiconducting devices.

(II) Aging of alloys to produce strengthening due to fine particles.

(III) Determination of how micromorphology of cement pastes affects final properties.

(IV) Characterization of number, size, and shape of bubbles of inert gas which are generated and lead to failure in nuclear reactor materials.

(V) Identification, analysis, and determination of the distribution of phases on polished and lapped surfaces of alloys and minerals.

The article will be used for graduate thesis studies in science and engineering and undergraduate laboratory studies in the School of Materials Science and Metallurgical Engineering to teach and develop the concept that properties of materials depend upon structure. Application received by Commissioner of Customs: July 5, 1972.

Docket No. 73-00017-33-46040. Application: Medical College of Georgia, Department of Anatomy, Augusta, Ga. 30902. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for various research projects. The principle research project will be a study of cultured liver cells treated with various carcenogenic agents. Other research projects will include studies of skin biopsies from patients with dermatological diseases as well as quantitative studies on the changes in zymogen granules in pancreatic cells in rats treated with pilocarpine. The article will also be used in the course designated Anatomy 814, Electron Microscopy and Cell Ultrastructure for instruction in the techniques involved in preparing biological materials for electron microscopy and operation of the electron microscope. Application received by Commissioner of Customs: July 5, 1972.

Docket No. 73-00035-33-90000. Applicant: National Institutes of Health, Bethesda, Md. 20014. Article: X-ray diffraction equipment, Model GX6. Manufacturer: Elliott Automation Radar Systems, United Kingdom. Intended use of article: The article is intended to be used to investigate filament spacings and cross-bridge configurations in muscle cells to discover the mechanism of muscular contraction. Application received by Commissioner of Customs: July 17, 1972.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc. 72-12754 Filed 8-11-72;8:49 am]

UNIVERSITY OF WISCONSIN ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

In the notice of consolidated decision on application for duty-free entry of scientific articles appearing at page 14894 in the FEDERAL REGISTER of Wednesday, July 26, 1972, the following docket should be deleted:

Docket No. 72-00011-01-77030. Applicant: University of California, Department of Chemistry, Division of Natural Sciences, Santa Cruz, Calif. 95060. Article: NMR Spectrometer Model JNM-PS-100. Date of denial without prejudice to resubmission: April 11, 1972.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-12755 Filed 8-11-72;8:49 am]

Office of the Secretary

GUAM AND THE VIRGIN ISLANDS

Estimates of Resident Population Aged 18 Years and Over, July 1, 1971

In accordance with the requirements of the Federal Election Campaign Act of 1971 (P.F. 92-225), notice is hereby given that the population of voting age in the Territory of Guam is less than 50,000 and in the territory of the Virgin Islands is less than 40,000.

HAROLD C. PASSER,
Acting Secretary of Commerce.

[FR Doc.72-12711 Filed 8-11-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12180]

ALUMINUM NICOTINATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Nicalex Tablets containing aluminum nicotinate; Merrell-National Laboratories, Division Richardson-Merrell Inc., 4663 Stenton Avenue, Philadelphia, PA 19144 (NDA-12-180).

Such drugs are regarded as new drugs (21 U.S.C. 321 (p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. This drug is effective as adjunctive therapy in addition to diet and other measures in the treatment of hypercholesterolemia and hyperbetalipoproteinemia.

2. This drug is possibly effective for reducing xanthomatous tissue cholesterol, and for labeling indications which tend to associate a reduction in cholesterol levels with a consequent lessening of arteriosclerotic complications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* This preparation is in tablet form suitable for oral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

As adjunctive therapy in addition to diet and other measures in the treatment of hypercholesterolemia and hyperbetalipoproteinemia.

(The possibly effective indication may also be included for 6 months.)

c. The following statement is to follow the "Indications" section either enclosed in a block or in italics:

Notice: It has not been established whether drug-induced lowering of serum cholesterol or other lipid levels has a detrimental, a beneficial or no effect on the morbidity due to atherosclerosis or coronary heart disease. Several years will be required before current investigations can yield an answer to this question.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a) (3) (i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12180, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-12715 Filed 8-11-72; 8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-195]

DIRECTOR, DIVISION OF BUDGET AND CONTRACTS, OFFICE OF ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Designation as Termination Contracting Officer and Redelegation of Authority Regarding Low-Income Housing and Urban Renewal Demonstration Programs

SECTION A. *Designation.* The Director, Division of Budget and Contracts, Office of the Assistant Secretary for Research and Technology, is designated as Termination Contracting Officer for Low-Income Housing Demonstration grant contracts under section 207 of the Housing Act of 1961 (42 U.S.C. 1436) and Urban Renewal Demonstration grant contracts under section 314 of the Housing Act of 1954 (42 U.S.C. 1452a), for which a final audit has been requested or received or for which the grantee has given notice that no further work will be performed thereunder.

SEC. B. *Redelegation of authority.* The Termination Contracting Officer is authorized to:

1. Execute grant contract amendments.

2. Approve requisitions for funds in connection with project close-outs, third-party contracts, and budget amendments.

3. Make determinations and findings with respect to grant contract terminations or settlement agreements.

SEC. C. *Termination of delegation of authority.* The delegation of authority as Termination Contracting Officer shall terminate as of the date of termination of all grant contracts under section 207 of the Housing Act of 1961 and section 314 of the Housing Act of 1954.

SEC. D. *Revocation.* The redelegations of authority to the Administrative Officer and to the Director, Urban Renewal Demonstration Program, published at 36 F.R. 9267 (May 21, 1971) and 35 F.R. 3247 (Feb. 20, 1970), respectively, are revoked, with respect to grant contracts for which a final audit has been requested or received or for which notice has been given by the grantee that no further work will be performed thereunder.

(Secretary's delegation of authority to Assistant Secretary for Research and Technology, 36 F.R. 5008, Mar. 16, 1971)

Effective date. This redelegation of authority is effective as of July 3, 1972.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[FR Doc.72-12792 Filed 8-11-72;8:52 am]

[Docket No. D-72-193]

DIRECTOR, DIVISION OF COMMUNITY ENVIRONMENT AND UTILITIES TECHNOLOGY, OFFICE OF ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Redelegation of Authority Regarding Urban Mass Transportation Research Projects

SECTION A. *Redelegation of authority.* The Director, Division of Community Environment and Utilities Technology, Office of the Assistant Secretary for Research and Technology, is authorized to exercise the following authority of the Secretary of Housing and Urban Development with respect to the administration of grant contracts for urban mass transportation research, development, and demonstration projects under section 6(a), and research and training projects under section 11 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1605(a) and 1607c), as modified by Reorganization Plan No. 2 of 1968 (49 U.S.C. 1608 note):

Approve requisitions for funds, third-party contracts, and budget amendments.

SEC. B. *Revocation.* The redelegation of authority to Director, Environmental Factors and Public Utilities Division, published at 36 F.R. 10993, June 5, 1971, is revoked.

(Secretary's delegation of authority to Assistant Secretary for Research and Technology, 36 F.R. 5007, Mar. 16, 1971)

Effective date. This redelegation of authority is effective as of July 3, 1972.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[FR Doc.72-12790 Filed 8-11-72;8:52 am]

[Docket No. D-72-194]

DIRECTOR, DIVISION OF COMMUNITY PLANNING, DEVELOPMENT AND CONSERVATION, OFFICE OF ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Redelegation of Authority Regarding Comprehensive Planning and Urban Renewal Demonstration Programs

SECTION A. *Redelegation of authority.* The Director, Division of Community

Planning, Development and Conservation, Office of the Assistant Secretary for Research and Technology, is authorized to exercise the following authority of the Secretary of Housing and Urban Development:

1. With respect to the Comprehensive Planning Research and Demonstration Program under section 701(b) of the Housing Act of 1954 (40 U.S.C. 461b):

a. Execute grant contracts and amendments thereto within the amounts and conditions of allocation orders approved by the Assistant Secretary or Deputy Assistant Secretary for Research and Technology.

b. Approve requisitions for funds, third-party contracts, and budget amendments.

c. Make determinations and findings with respect to grant contract terminations and settlement agreements.

2. With respect to the Urban Renewal Demonstration Program under section 314 of the Housing Act of 1954 (42 U.S.C. 1452a):

a. Execute grant contract amendments within the amounts and conditions of allocation orders approved by the Assistant Secretary or Deputy Assistant Secretary for Research and Technology.

b. Approve requisitions for funds, third-party contracts and budget amendments.

c. Make determinations and findings with respect to grant contract termination and settlement agreements.

SEC. B. *Revocation.* The redelegations of authority to the Director, Comprehensive Planning Research and Demonstration, and to the Director, Urban Renewal Demonstration Program, published at 36 F.R. 10993 (June 6, 1971) and 35 F.R. 3247 (Feb. 20, 1970), respectively, are revoked.

(Secretary's delegation of authority to Assistant Secretary for Research and Technology, 36 F.R. 5007, Mar. 16, 1971)

Effective date. This redelegation of authority is effective as of July 3, 1972.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[FR Doc.72-12791 Filed 8-11-72;8:52 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-398A, 50-399A]

PACIFIC GAS & ELECTRIC CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated August 2, 1972, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

AUGUST 2, 1972.

Pacific Gas & Electric Co.—Mendocino Power Plant Units 1 and 2, AEC Dockets Nos. 50-398 and 50-399.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended by Public Law 91-560, in regard to the above-cited application.

I. THE APPLICANT

The Mendocino Power Plant, Units 1 and 2 in Mendocino County, Calif., will consist of two 1168 mw units. The plant will be owned by a single utility, Pacific Gas & Electric Co. (PG&E). The estimated cost of construction at completion is approximately $742 million. Unit 1 is scheduled to go into operation in the spring of 1978, and Unit 2, 1 year later.

PG&E is a privately-owned integrated electric utility which serves 47 counties in northern and central California. In 1971, PG&E had a system peak demand of 10,965 mw. The Company owns and operates over 16,000 miles of transmission facilities ranging in capacity from 60 to 500 kv., including over 1,000 miles of 500 kv. transmission circuits and over 4,400 miles of 230 kv. transmission located throughout northern and central California. PG&E controls all or most of the high voltage transmission located in this area. The Bureau of Reclamation has transmission facilities adjacent to those of the Company but their use is restricted by a contract between the Bureau and PG&E. PG&E presently distributes electricity at retail in 198 incorporated cities and towns and 650 unincorporated communities. It supplies the full bulk power requirements of five municipalities and one private utility, as well as the partial bulk power requirements of the State of California, the city and county of San Francisco, Sacramento Municipal Utility District (SMUD), two investor-owned utilities, the Bureau of Reclamation and some of its preference customers which include both municipalities and rural electric cooperatives. In 1970, PG&E's sales and wheeling of over 46 billion kwh of electric energy generated revenues in excess of $703 million. PG&E's major interconnections consist of its participation in the Pacific Northwest-Southwest Intertie and its interconnections with SMUD, Bureau of Reclamation, Pacific Power & Light Co., Sierra Pacific Power Co., and Southern California Edison Co. (Edison). It is also interconnected with the State of California, Modesto and Turlock Irrigation Districts, and the city and county of San Francisco, all of which engage in self-generation in adjacent areas.

II. RELATIONSHIPS WITH OTHER UTILITIES

During the course of its inquiry, the Department has discovered a substantial amount of evidence which indicates that, since at least 1950, PG&E has acted in such a way as to establish and preserve the highest possible degree of monopoly power in, and control over, electric generation and transmission resources located in northern and central California. The evidence indicates that the Applicant has pursued a continuous course of conduct during this period which has had the effect of: (1) foreclosing the ability of municipal and cooperative distribution utilities within its service area to obtain access to numerous sources of bulk power supply and (2) precluding the independent development of generating capacity by these municipal and cooperative utilities.

Most of these municipal and cooperative utilities are represented by the Northern California Power Agency (NCPA), which has previously made a filing with this Commission complaining of PG&E's activities. NCPA, a public agency of the State of California, was created in 1969 by agreement between 11 municipalities which own and operate their own distribution systems located throughout PG&E's service area in northern and central California. Five of these cities are presently all-requirements bulk power customers of PG&E. Five cities purchase their present power supply from the Bureau of Reclamation's Central Valley Project (CVP) and contemplate the purchase of supplemental power from PG&E when their loads exceed the capacity of CVP to supply power. The remaining city, Santa Clara, presently purchases the bulk of its power requirements from CVP and supplemental power from PG&E. NCPA's members serve approximately 330,000 customers and, in 1970-71, had a combined peak demand in excess of 450 mw. NCPA has a projected 1980 peak demand of approximately 1,000 mw with a base load demand of at least 300 mw.

NCPA has adopted and is attempting to implement a program to provide for the generation of bulk power for use by its members. Applicant is alleged to have impeded and obstructed NCPA's development of this bulk power supply program (see Part B of this section).

A. FORECLOSURE OF ACCESS TO ALTERNATE SUPPLIERS

There is reason to believe that PG&E has used its monopoly power in generation and transmission to limit or deny the small utilities located within its service area access to alternative sources of bulk power supply, thereby strengthening its monopoly position. One of Applicant's practices which had this effect was its insistence upon long term all-requirements bulk power supply contracts. In addition, it appears that PG&E has utilized its predominant ownership of transmission to preclude access to alternate bulk power supply by refusing to wheel power. It has extended its control over transmission beyond the boundaries of its own system through agreements with CVP and SMUD which restrict the manner and territory in which they may market electric power and energy. Finally, PG&E's substantial generation and transmission capabilities have enabled it to enter into contracts as the exclusive purchaser of the entire output of various public hydroelectric facilities as well as all surplus power generated by or available to SMUD, thereby precluding others from obtaining access to these resources.

1. *PG&E's Power Supply Contracts*

It is alleged that PG&E's power supply contracts, by virtue of their all-requirements

nature, length of term and the Company's timing of renewals, have generally precluded attempts by the cities purchasing power to avail themselves of alternate sources of bulk power where such sources have become available. An examination of the history of these contracts indicates that at least five of PG&E's municipal resale customers[1] have, since 1955, been under contract to purchase all of their requirements from PG&E for periods of 5 to 7 years. Each contract prohibited the purchase of power from any alternate source of supply. It is alleged that upon several occasions contracts of shorter duration were requested in order to enable the cities to purchase bulk power from anticipated sources of supply, and that these requests were uniformly denied. It is further alleged that PG&E insisted upon renewals of these contracts for terms which would preclude resort to alternative sources of bulk power supply when they would become available. All of these contracts are presently in effect but have entered a stage where they are cancelable upon a period of 1 year's notice.

The stifling effect which these contracts have had is amply illustrated by the single instance of which the Department is aware in which a municipal system managed to circumvent the intended foreclosure.

Initially, the city of Santa Clara purchased power from PG&E under an all-requirements contract of the type described above. In 1964, the city acquired an allocation of power from the Bureau of Reclamation's Central Valley Project. In 1965, the city terminated its contract with PG&E and requested that the Company wheel CVP power to the city. The Bureau and PG&E had concluded a contract under which PG&E was required to wheel CVP power to certain Federal preference customers. The Bureau noted that it was obligated under Federal law to sell power to Santa Clara and, referring to the contract with PG&E, formally requested that PG&E fulfill its contractual obligation to wheel power to the city. PG&E maintained that the city could not terminate its all-requirements contract and refused to wheel the CVP power. Santa Clara began making payments for the power it received to the Bureau of Reclamation and, in 1967, PG&E finally consented to wheel CVP power to the city. In 1969, as part of a settlement of legal proceedings between the city and PG&E involving a number of disputed matters, a contract was concluded under which the Company would supply the city's supplemental power requirements.

The aforementioned contracts exemplify both the effect of the monopoly power and the manner in which such power has been maintained. While the Company has very recently resorted to power supply contracts with terms no greater than 2 years,[2] there is no certainty that PG&E will not in the future again resort to long term all-requirements contracts to maintain its monopoly position. In this connection, PG&E is unwilling to offer any of its all-requirements customers a resale contract with a capacity commitment which would allow the latter to provide for future load increases from an alternate supply.

2. Refusals to Wheel

PG&E has also used its monopolistic position in transmission to deny other utilities access to low cost bulk supply. It is alleged that PG&E refused to wheel Bureau of Reclamation power to the city of Healdsberg in 1962 and 1964, to the city of Lompoc in 1963 and 1966, to the city of Santa Clara in 1965, to the Truckee Public Utility District in 1962 and 1965, and to the city of Ukiah in 1962, 1963, and 1967.[3] In at least two of these cases, the refusal to wheel appears to have been contemporaneous with an offer to lease the system of the utility requesting wheeling under terms alleged to amount to an acquisition of the system involved. (PG&E's refusals to wheel power in conjunction with the establishment of independent sources of generation are discussed subsequently.)

PG&E appears to have increased its monopoly power by coupling its own individual refusals to wheel power with contracts which prohibit the sale or wheeling of power by others. Restrictions of this nature are found in PG&E's contract with the Central Valley Project (later embodied in the 1967 Intertie agreements) and its contract with SMUD dated September 6, 1966.

3. Contract Restricting Marketing and Wheeling by the Bureau of Reclamation

On July 31, 1967, PG&E entered a contract with the Secretary of Interior which superseded prior Bureau of Reclamation contracts relating to CVP which had been made in 1951. Reduced to its barest essentials, this contract gives PG&E a high degree of control over all marketable electric energy generated in California or imported into California by CVP for a 40-year peroid. It effectively limits the geographic area in which the Bureau can market electricity, the source of capacity and energy which may be included in or wheeled by the CVP system, and the maximum amount of capacity which CVP may maintain in its system. While the contract does contain provisions which make it possible for some Bureau power to be wheeled by PG&E, it seems likely that PG&E made these concessions as the only alternative to eventual construction of a Federal generation and transmission network in the heart of its service area, action which PG&E had strongly resisted. Although the contract had the effect of temporarily relinquishing certain resale customers to the Bureau, it secured PG&E's control over generation and transmission in northern and central California for many years. An examination of the contract's relevant provisions illustrates its highly restrictive nature.

Article 24(a) defines a geographic area in which PG&E has agreed to wheel CVP power to the Bureau's preference customers. This "wheeling area" excludes various preference customers which were, and presently are, all-requirements wholesale customers of PG&E. Article 24(a)(1) defines the class of customers to which PG&E will wheel CVP power. This class of customers must have been customers of PG&E on April 2, 1951 and must, at the time they apply for wheeling, have no customers within their municipal boundaries which are served at retail by PG&E. In this connection, several cities (e.g., Atherton, Berkeley, and Foster City) which are served at retail by PG&E and located within the contract wheeling area, appear to have indicated interest in the formation of municipal electric systems through condemnation of PG&E's distribution facilities within their corporate limits. But for the restrictions of Article 24(a)(1), these cities would be entitled to the wheeling of available Bureau power. In addition, the contract has effectively precluded access to Bureau power by the municipalities whose service areas lie outside the "wheeling area." Bureau requests to PG&E to expand this area in 1967 were uniformly denied.

In addition to effectively limiting the area in which the Bureau may market CVP power, the contract sets forth geographic limits on the source of power which the Bureau may market. Article 12(a)(7) permits CVP, in lieu of making energy available from its own hydroelectric plants, to substitute another source of power for delivery by PG&E to CVP customers. However, this article, as well as Articles 19(d) and 19(e), limit the importation of energy by CVP to power from the northwest which is delivered over the Intertie. Article 19(g) provides that capacity and energy from a new source to be sold or used in PG&E's service area may not be delivered over CVP's system without PG&E's consent. At the time the contract was negotiated, these restrictions were thought to be of little importance since alternative sources of generation did not exist in northern California. This situation appears to have altered substantially in recent years. The impact of this restriction will be considered subsequently in the context of NCPA's attempts to develop an independent source of generation.

Finally, the PG&E-CVP contract limits CVP marketable system capacity to 1050 mw. This limit in turn places a limit on the length of time during which CVP will have sufficient power in its system to supply the requirements of its preference customers. Indeed, last year CVP withdrew part of its allocation of power from the city of Santa Clara in order to meet other demands upon its system. (With respect to the remaining five members of NCPA[4] which purchase CVP power, the Bureau has committed itself to supply their entire load growth requirements until 1980[5] (or until the CVP system reaches 1050 mw.) and to maintain that level of supply until the year 2004.) The effect of this restriction on CVP's system capacity is to reserve to PG&E the load growth of all those municipal and cooperative preference customers which are presently served by the Bureau. PG&E characterizes this limitation as one upon its obligation to provide backup for CVP's hydroelectric generation as opposed to a limit on CVP's system capacity. But the provision seems far more restrictive than would be required to accomplish its purported purpose.[6]

4. Contract Restricting Sale and Wheeling by Sacramento Municipal Utility District

A contract between PG&E and SMUD also contains a clear-cut anticompetitive restriction. In 1955, PG&E and SMUD entered a contract, Article 13(b) of which contained a restriction prohibiting the sale or wheeling of power by SMUD outside of a geographic area delimited in the contract. This restriction was incorporated in Article 20 of a

[1] Alameda, Healdsburg, Lodi, Lompoc, and Ukiah.

[2] One of PG&E's wholesale customers has complained that the Company has refused to enter into a supply contract of sufficient duration to allow the customer to develop a power supply program which will enable it to effectively compete with the Company for retail sales.

[3] The cities of Healdsberg, Lompoc, and Ukiah all entered long term all-requirements contracts with PG&E. The request by Truckee was withdrawn in 1967 when its bulk power supplier, Sierra Pacific Power Co., reduced the District's rates by 20 percent.

[4] The cities of Biggs, Gridley, Palo Alto, Redding, and Roseville. The Plumas-Sierra Rural Electric Cooperative is an associate member of NCPA which is in a similar position.

[5] The year 1980 was originally selected by the Department of the Interior as a target date by which CVP's municipal and cooperative customers would have had sufficient time to secure alternative sources of bulk power supply.

[6] A more reasonable and far less restrictive arrangement could be envisioned which would simply require the Bureau to notify PG&E of any addition to CVP's system capacity and either to compensate PG&E for any burden upon the Company's system or to make arrangements for backup power from a source other than PG&E.

superseding contract between PG&E and SMUD on September 6, 1966. It is alleged that SMUD refused to wheel power in 1965 solely because of this restrictive contract. Although this provision expired in April of 1971, and has not been renewed,[7] it is illustrative of the practices by which the Applicant has secured and maintained its monopoly position.

5. Contracts Making PG&E the Exclusive Purchaser for Power From Certain Sources

PG&E has entered contracts which make it the exclusive purchaser of the entire output of certain hydroelectric facilities, as well as of SMUD's surplus power. These contracts seem unduly restrictive in that they tend to foreclose access by others to these sources of bulk power supply.

PG&E has contracted to purchase the entire hydroelectric output of seven State agencies which have generating capabilities but no transmission or distribution facilities.[8] These agencies have a combined generating capacity of 879 mw. In addition, PG&E (along with Edison and San Diego Gas & Electric) purchases all the surplus power generated by certain hydroelectric facilities belonging to the State of California. The Company maintains that exclusivity is necessary in order to provide a long-term financial commitment which the agencies require in order to finance their projects. PG&E has informed the Department that no other utility has indicated interest in purchasing such power and that where the Company has rejected a proposal, the project was never built. It is axiomatic that effective utilization of hydroelectric generating capacity requires possession of nonhydroelectric generating resources. Thus, conduct by PG&E which has precluded the development of nonhydroelectric generation is extremely relevant to the question of why no other utility has indicated an interest in purchasing this power. In addition, utilization of hydropower would be impossible without transmission capacity to transport it from the hydroelectric project to the load; in this context, PG&E's repeated refusals to wheel power would appear to have a definite bearing upon the availability of other purchasers.

6. Contract Requiring Sale to PG&E of All Surplus Power by Sacramento Municipal Utility District

PG&E's agreement with SMUD dated June 4, 1970, requires SMUD to sell to PG&E all capacity and energy generated by the resources of SMUD's system (including power purchased from CVP) in excess of SMUD's load. In addition, the language of the contract appears to place a limit of 830 mw on the size of a second SMUD generating unit (to be constructed subsequently) and to include all surplus power from this unit in the power which must be sold to PG&E. It is alleged that this agreement thus prevents individual cities from participating with SMUD in the construction of a subsequent unit or from purchasing power from such a unit. Indeed, SMUD's counsel has interpreted this contract as prohibiting SMUD's construction of a larger unit in which NCPA might participate. PG&E, when asked by NCPA if modification of the agreement might be possible, replied that it did "not contemplate any change in the commitments of the parties under the contract." PG&E now maintains that the limitation with respect to the second unit to be constructed by SMUD should be considered as a minimum, rather than a maximum. Even if this interpretation is considered binding upon both SMUD and PG&E, participation by NCPA in SMUD's second unit would be possible only if PG&E were willing to renegotiate certain other provisions of this contract, including those requiring that all surplus from SMUD's system be sold to PG&E. It is obvious that SMUD is extremely dependent on PG&E for necessary coordination; in fact, SMUD has characterized this contract as "absolutely essential to the construction of a large nuclear plant by a relatively small entity such as our District."

To the extent that this restriction would prevent SMUD from planning and constructing a nuclear generating unit of optimum efficient size, either for its own needs or on a joint basis with other electric utilities, the restriction would appear not only anticompetitive but also inconsistent with the declaration of policy in section 1 of the Atomic Energy Act (42 U.S.C. § 2011) calling for maximum development and use of atomic energy.

B. REFUSAL TO COOPERATE IN THE DEVELOPMENT OF INDEPENDENT GENERATING RESOURCES

At least as early as 1968, the members of NCPA began a series of attempts to develop an independent source of bulk power supply based upon the use of the geothermal steam resources available in the Geysers field. It is alleged that, since that time, PG&E has engaged in a course of conduct which has had the effect of frustrating NCPA's attempts. Among other things, PG&E has refused on several occasions to wheel NCPA power from the Geysers, to sell standby and reserve power to NCPA, or to engage in coordination with NCPA. PG&E, through its previously discussed contract with the Bureau of Reclamation, has veto power over the Bureau's ability to wheel NCPA power and has refused to waive this veto. Finally, PG&E has denied NCPA's request to participate in the California Power Pool.

1. PG&E's Refusals To Wheel and Contractual Restraints on Wheeling of Geothermal Power

NCPA has been negotiating with the potential suppliers of geothermal steam at the Geysers not under exclusive contract to PG&E and has been attempting to put together a feasible generating project using geothermal steam. Since 1968, PG&E's repeated refusals to wheel, to sell NCPA reserves and standby power, and to engage in coordination have effectively frustrated every attempt by NCPA to develop this source of bulk power supply.

In October of 1968, NCPA wrote to PG&E requesting the terms and conditions under which the Company would (1) wheel power from NCPA's proposed geothermal generation to CVP's transmission grid and from CVP to NCPA's member systems, and (2) sell peaking power and reserves to support the proposed base load geothermal generation. During a series of meetings following this letter, NCPA supplied PG&E with an outline of its proposal and underlying economic and engineering data. These negotiations terminated at a meeting on August 19, 1969.[9]

Since that time, NCPA has continued negotiations with one of the remaining suppliers of the geothermal steam not under exclusive contract with PG&E.[10] In addition, NCPA and the Bureau have engaged in an extensive joint transmission study to determine the extent to which the CVP transmission web might be used to wheel NCPA geothermal power. The proposal upon which the study was conducted contemplates construction of transmission by NCPA from the Geysers to CVP and from CVP to NCPA member systems. The negotiations between the Bureau and NCPA appear to have progressed to the point where a final agreement between them could be soon forthcoming. However, under the Intertie contract, such an agreement is subject to PG&E's absolute veto power because it would amount to the attachment of a new source of supply to the CVP system.

Very recently, NCPA had an additional meeting to discuss its geothermal generation plans with PG&E. NCPA alleges that PG&E reiterated its refusal to wheel NCPA geothermal power to and from CVP's transmission system. In discussions with the Department of Justice, PG&E conceded that under the Gerdes/Udall letters the Company was obligated to negotiate concerning NCPA's plan to wheel power over CVP's system to and from NCPA's own transmission.[11] However, PG&E refused to commit itself to approve such a plan even if it could be shown that the arrangement would not result in an unreasonable burden upon PG&E.

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[7] Indeed there appears to be no need for a restriction of this nature in view of PG&E's contract to purchase all of SMUD's power surplus to the District's needs. This contract is reviewed in Part IIA6 of this letter.

[8] Placer County Water Agency, Yuba County Water Agency, Nevada Irrigation District, Merced Irrigation District, Oroville-Wyandotte Irrigation District, Oakdale and South San Joaquin Irrigation Districts, and East Bay Municipal Utility District.

[9] At this meeting Mr. Gerdes of PG&E allegedly stated: (1) Letters between himself and Secretary Udall concerning the Intertie contract committed the Company to an exchange of information and cooperation in studies with the Bureau of Reclamation, but they did not commit PG&E to participate in any particular program with NCPA; (2) PG&E would not wheel power from NCPA's proposed geothermal generation at the Geysers to CVP's system and thence to NCPA member systems; (3) PG&E was unwilling in principle to wheel power from any hydroelectric plant for which NCPA might recapture a license from the Company in forthcoming relicensing proceedings; and (4) PG&E would not participate in any endeavor by NCPA which would not be feasible, in the opinion of the PG&E, without integration with PG&E's system. PG&E maintains that NCPA accepted the Company's determination that NCPA's proposal was unworkable and the PG&E did not actually refuse to engage in coordination.

[10] It is alleged that PG&E is presently negotiating with this supplier, Signal Oil Co., in order to conclude a long-term exclusive contract.

[11] PG&E maintains that an exchange of letters between then-Secretary of Interior Stewart Udall and PG&E Chairman Robert Gerdes, which were executed contemporaneously with the Intertie contract, operate to modify the contract's restrictive provisions. The understanding reached in these letters allows a supplementary agreement which would permit the substitution or addition of other sources of bulk power supply where such arrangements would "result in an equitable sharing of the benefits and do not impose an unreasonable burden on the company under the contract. * * *"

2. NCPA Exclusion From California Power Pool

PG&E has frustrated NCPA's attempts to engage in coordinated development of independent generation by denying NCPA access to regional pooling. PG&E is a member of the California Power Pool. The two other members are Edison and San Diego Gas and Electric Co. All members are interconnected directly or indirectly, exchange surplus energy and provide emergency service. At present, the members do not share installed or spinning reserves, although they expect to commence reserve sharing in 1974. The California Power Pool was established in 1964 under an agreement which did not allow other utilities to become pool members. The pool agreement establishes installed and spinning reserve requirements for members and for third parties with which the members are interconnected. The effect of these requirements is to severely limit the degree to which a pool member may interconnect and coordinate with a smaller utility, especially with one which is just beginning to generate a part of its requirements. Another provision of the pool agreement contains limitations with respect to standby service to nonmembers of the pool. A pool member may draw on spinning reserve capacity for 2 hours but a nonmember may draw on such reserves for only one-half hour. In 1970, NCPA wrote members of the California Power Pool requesting participation therein in order to coordinate the development of generation and transmission resources, as well as their subsequent utilization. PG&E declined this request.

III. REQUEST FOR PARTICIPATION

NCPA has formally indicated to PG&E and to this Commission that it wishes to participate in the proposed Mendocino nuclear generating plant. At present, NCPA has expressed a desire for 55 mw of Mendocino Unit 1 which, in conjunction with 220 mw of geothermal generation at the Geysers, would be sufficient to meet NCPA's projected requirements for 1980. From the data supplied by PG&E, it is not clear that power from Mendocino will be lower in cost to NCPA than the purchase of firm power at wholesale from PG&E. In any event, NCPA would have a lower cost alternative—at least in part—from geothermal generation if restrictions on the wheeling of this power are removed. It seems clear that geothermal generation should be substantially lower in cost than the power which will be available from Mendocino. There appear to be, however, sound reasons why NCPA would be reluctant to rely entirely upon geothermal power. Obviously, NCPA would be subject to the same developmental risks that appear to keep PG&E from exploiting its geothermal resources as readily as it might under its contract.

IV. COMPETITIVE IMPLICATIONS

While some of the specific allegations made to the Department of Justice with respect to PG&E's conduct are in dispute, there seems to be substantial evidence that PG&E has engaged in a course of conduct which has blocked the development of bulk power alternatives by NCPA, its member systems and other distribution utilities in northern and central California for a period of at least 20 years. PG&E's insistence upon long-term all-requirements contracts, its repeated refusals to wheel together with its contracts prohibiting the sale and wheeling of power by others, and its various measures to control or block the development of generation and transmission facilities by others have had the effect of precluding the development of alternative sources of bulk power supply.

This pattern of conduct by PG&E must be considered in the light of antitrust principles regarding monopolization. PG&E provides electric service throughout a substantial area to millions of customers. In order to operate efficiently and reliably on this scale, PG&E has established an extensive integrated transmission network connecting generating resources with load centers. Throughout most of PG&E's service area, its control of the only available transmission and subtransmission facilities amounts to a monopoly. Practically all of the alternatives which the smaller systems in its area could realistically consider for securing bulk power supply would be dependent upon obtaining access to either PG&E's transmission system or to transmission systems over which PG&E has control by virtue of contract.

In short, PG&E appears to possess a substantial degree of monopoly power in the area which it serves. See United States v. Otter Tail Power Co., D. Minn. Civ. No. 6-60-139, decided September 9, 1971. Principles which have evolved under the antitrust laws must be viewed as placing distinct limits upon an integrated utility's exercise of monopoly power to prevent its wholesale customers and other competing retail distribution systems from developing alternative sources of bulk power supply. Section 2 of the Sherman Act is particularly relevant to this situation. As the Supreme Court stated, "The offense of monopoly under section 2 of the Sherman Act has two elements: (1) The possession of monopoly power in the relevant market and (2) the willful acquisition or maintenance of that power as distinguished from the growth or development of a superior product, business acumen or historic accident." United States v. Grinnell Corporation, 384 U.S. 563, 571 (1966). No proof of specific intent to violate the antitrust laws is required in a section 2 monopolization case. See United States v. Griffith, 334 U.S. 100, 105 (1948); United States v. Grinnell, 236 F. Supp. 244, 248 (D. R.I. 1964), affirmed 384 U.S. 563. Rather the question is whether a person who maintains a monopoly has separately, or with others, carried out business policies which raise unnecessary "barriers to competition." United States v. United Shoe Machinery Corp., 110 F. Supp. 295, 344, 345 (D. Mass. 1953), affirmed per curiam 347 U.S. 521. PG&E's continuous course of conduct over the past 20 years has placed it in the position of possessing almost absolute power to block the development of bulk power alternatives by the smaller systems with which it competes. This power constitutes a "barrier to competition" which the smaller systems have not been able to overcome.

V. RESPECTS IN WHICH ACTIVITIES UNDER THE LICENSE WOULD MAINTAIN A SITUATION INCONSISTENT WITH THE ANTITRUST LAWS

There can be no doubt that the Mendocino units are of the greatest possible importance in PG&E's total bulk power supply expansion program. Over 60 percent of the scheduled additions to the capacity of the PG&E area system from 1972 through 1979 will be nuclear in nature.[12] Ove 50 percent of this nuclear generation is represented by the Mendocino units. In a number of respects, Mendocino will substantially strengthen PG&E's backbone transmission system. The additional thermal base load capacity from Mendocino will enable PG&E to enter into additional projects "firming up" hydroelectric capability like those discussed in Part IIA above. Addition of the relatively reliable nuclear capacity of the Mendocino units would provide PG&E with a necessary balance against its somewhat experimental geothermal capacity. Also, the Mendocino units will be used by PG&E to meet the load growth on its system which is committed to supplying power to OVP and SMUD pursuant to contract. This use will allow PG&E to meet its obligations under these contracts, thereby insuring that the restrictive provisions discussed above (see parts II.A.3, II.A.6, and II.B.1) remain in effect. It is, therefore, clear that Applicant's activities under the license would help to maintain the monopoly situation.

VI. CONCLUSION

Based upon our review, the Department of Justice can only conclude that PG&E by the conduct described above has created a situation inconsistent with the antitrust laws. Construction and operation of the Mendocino units appear likely to enable PG&E to maintain this anticompetitive situation. Accordingly, the Department of Justice concludes that the Commission should hold an antitrust hearing on this application.

If the hearing record supports the above view of PG&E's activities, it would be appropriate for the Commission to condition any license it may grant for the Mendocino units so as to eliminate the anticompetitive activities which enable PG&E to maintain the above-described situation. Significant relief would be achieved if, among other things, the Commission were to:

(1) Require PG&E to grant access to the Mendocino units to the members of NCPA;

(2) Require PG&E to eliminate provisions in its contract with the Bureau of Reclamation which restrict OVP's importation, wheeling, and marketing of electric energy; and

(3) Require PG&E to eliminate provisions in its contract with SMUD which preclude NCPA from participating in any generating unit that SMUD may plan and construct.

[FR Doc.72-12710 Filed 8-11-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 72-8-26]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Conditions of Service

Issued under delegated authority, August 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB number.

The agreement would amend an existing resolution governing economy-class

[12] Approximately 14 percent of this capacity will be from geothermal generation located at the Geysers.

conditions of service within the Western Hemisphere by permitting Delta Air Lines an exception to operate Boeing 727 equipment, acquired as a result of its recent merger with Northeast Airlines, with a 36-inch seat pitch. It is Delta's intention to modify these aircraft to the standard IATA economy class 34-inch seat pitch.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that Resolution 100(Mail 909)060, which is incorporated in Agreement CAB 23210, is adverse to the public interest or in violation of the act.

Accordingly, it is ordered, That Agreement CAB 23210 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12795 Filed 8-11-72;8:53 am]

[Docket No. 23333; Order 72-8-29]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority, August 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB number.

The agreement would amend existing IATA resolutions governing containerized cargo by adjusting the dimensions and descriptions of standard unit load devices currently applicable in various world areas to conform with those applicable on North Atlantic routes.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement CAB 23182, are adverse to the public interest or in violation of the Act:

Agreement C.A.B. 23182	*IATA Resolutions*
R-1	100(Mail 903)521. 200(Mail 150)521. 300(Mail 381)521. JT12(Mail 795) 521. JT23(Mail 302) 521. JT31(Mail 224) 521. JT123(Mail 693) 521.
R-2	100(Mail 903)531.
R-3	JT31(Mail 224) 536b.

Accordingly, it is ordered, That Agreement CAB 23182, R-1 through R-3, be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12796 Filed 8-11-72;8:53 am]

[Docket No. 23486; Order 72-8-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Agency Matters and Inclusive Tours

Issued under delegated authority, August 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the Fifth Meeting of the Passenger Agency Committee held April 10-13, 1972, in Montreal.

The subject agreement would revalidate, for a further period of effectiveness and without substantive amendment, certain passenger agency resolutions, including those which provide for group familiarization trips by passenger sales agents[1] and free transportation for tour conductors.

[1] The Board's outstanding approval of this resolution is conditional so as to preclude its application to U.S.-based agents, and our action herein does not rescind this condition.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act:

Product	Tolerance	Limitations or restrictions
• • •	----------	• • •
Talc (free of asbestos-form particles).	----------	In chewing gum base and as an antisticking agent in farms used in molding food shapes.
• • •		• • •

Accordingly, it is ordered, That Agreement CAB 23184, R-1 and R-3, be and hereby is approved, provided that approval is subject to conditions previously imposed by the Board.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12797 Filed 8-11-72;8:53 am]

[Docket No. 23486; Order 72-8-31]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority, August 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would permit (1) Alitalia to postpone to a date not later than December 15, 1972, the performance of its inaugural flights between Rome on the one hand, and Paris/Teheran/Tananarive/Washington on the other hand, and (2) Union de Transports Aeriens (UTA) to postpone to a date not later than December 31, 1972, the performance of its inaugural flights between Auckland and Sydney.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that Resolutions 200(Mail 155)200h and JT12(Mail 799) 200h, which are incorporated in Agreement CAB 23163, R–1, are adverse to the public interest or in violation of the Act; and

2. It is not found that Resolution 300 (Mail 387)200h, which is incorporated in Agreement CAB 23163, R–2, affects air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

1. Agreement CAB 23163, R–1, be and hereby is approved; and

2. Jurisdiction is disclaimed with respect to Agreement CAB 23163, R–2.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–12798 Filed 8–11–72;8:53 am]

[Docket No. 23486; Order 72–8–33]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority, August 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would establish group inclusive tour fares from London to Tirana. Since these fares are not combinable with other fares, including those applicable in air transportation as defined by the Act, we will herein disclaim jurisdiction.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that Resolution 200(Mail 158)072g, which is incorporated in Agreement CAB 23228, affects air transportation within the meaning of the Act.

Accordingly, it is ordered, That jurisdiction be and hereby is disclaimed with respect to Agreement CAB 23228.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–12799 Filed 8–11–72;8:53 am]

[Docket No. 23486; Order 72–8–35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority, August 8, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would cancel proportional fares to the extent that they are currently used in the construction of normal first-class, economy, and special through fares between Cozumel/Puerto Vallar, Mexico, on the one hand and points in the United States on the other hand. This cancellation does not preclude the construction of through fares between these points by lower combination of sector fares.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement CAB 23204, are adverse to the public interest or in violation of the Act:

IATA Resolutions

100(Mail 907)051.	100(Mail 907)071f.
100(Mail 907)061.	100(Mail 907)084e.
100(Mail 907)070.	

Accordingly, It is ordered, That Agreement CAB 23204 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–12800 Filed 8–11–72;8:53 am]

[Docket No. 24353]

MAINLAND UNITED STATES-PUERTO RICO/VIRGIN ISLANDS FARES

Notice of Postponement of Hearing and Procedural Dates

At the request of the Bureau of Economics in its letter of August 4, 1972, the procedural and hearing dates heretofore fixed (37 F.R., 15393, August 1, 1972), are hereby postponed and new dates are established as follows:

Direct exhibits and written testimony of the Bureau—September 5, 1972.

Rebuttal exhibits and written testimony of all parties—September 22, 1972.

The first session of the hearing set for August 17, 1972, is hereby postponed and instead will be held on August 30, 1972, at 9 a.m. (local time) at the San Jeronimo Hotel, Ashford Avenue, San Juan, P.R., before the undersigned for the presentation of witnesses for the Commonwealth of Puerto Rico and the government of the Virgin Islands.

The second session of the hearing set for August 22, 1972, is hereby postponed and will be held on September 26, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, for the presentation of economic witnesses for the Commonwealth of Puerto Rico and the other parties.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served May 9, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., August 8, 1972.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[FR Doc.72–12794 Filed 8–11–72;8:53 am]

[Docket No. 22908; Order 72–8–42]

TRANS WORLD AIRLINES, INC.

Order Authorizing Capacity Reduction Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of August, 1972.

Trans World Airlines, Inc. (TWA), has requested authorization to engage in discussions looking toward extension of the four-market-capacity agreement approved by Board Order 71–8–91.[1] Several

[1] Agreement CAB 22496, involving a multilateral reduction of capacity by TWA, American Airlines, Inc., and United Air Lines, Inc., in four markets: New York/Newark-Los Angeles; New York/Newark-San Francisco; Washington/Baltimore-Los Angeles; and Chicago-San Francisco.

parties have filed comments in response thereto.[2]

Upon consideration of the pleadings and other relevant matters, we have decided to authorize further discussions looking toward extension of capacity agreements in the four markets for a period of no more than 6 months. Any agreements reached will be considered on their merits.[3] However, all concerned should be on notice that our purpose in approving any agreement resulting from the discussions would be solely to provide a transition period to facilitate a return to unilateral scheduling in the four markets.

This transition period would occur over the forthcoming offpeak winter season. The problem of tailoring capacity to demand is always more difficult in offpeak seasons. We believe that while the carriers' prospects are brightening, they are still sufficiently uncertain—given the substantial losses of the past 2 years—as to justify a temporary multilateral capacity restraint over the forthcoming lean winter months. Nevertheless, for the reasons stated at length in our prior orders authorizing discussions and approving the existing agreement,[4] we do not intend to approve any subsequent request for discussions or extensions of any agreements in these markets beyond the 6-month period.[5]

Operations under the current agreement have been reasonably satisfactory. The deletion of flights unjustified by demand have been beneficial to the public in terms of lower congestion in the air traffic control system, reduced impact on the airport environment, and lower costs to the carriers.[6] No convincing evidence has been presented that the reduction of operations by the three carriers in the four markets has deprived the traveling public of an adequate number of convenient flights[7] or has adversely affected other carriers in other markets.[8]

There are encouraging signs that traffic growth has resumed at a healthy and fairly steady rate.[9] The Air Transport Association has projected 1972 trunkline earnings to be approximately $200 million, after deducting the effects of eroding yields, cost increases, and predicted capacity increases. Nevertheless, the upward trend has been underway for less than 10 months. We are only at the beginning of a general return to profitability, and we cannot ignore the fact that most of the carriers—including the three concerned here—are starting back from a very deep trough of losses indeed. Much will depend on the vigor with which carriers control costs—with the assistance of their labor forces—and the restraint with which they introduce new capacity into their various markets and how closely that new capacity is related to actual demand, as opposed to jockeying for market share.[10]

Under these circumstances, we believe that it would be desirable to allow a six-month transitional period to facilitate a return to the full mechanisms of competition in the four markets.[11] Prior to the signing of agreements in these markets, competitive scheduling and the purchase of excess equipment had resulted in load factors averaging 32 percent. It is of the utmost importance that these low load factors not recur when capacity agreements terminate. While we are confident that unilateral scheduling need not result in unduly low load factors, prevention of this result will require careful and imaginative planning by the carriers. A 6-month transitional period will afford the carriers a full opportunity to review their marketing and scheduling policies to assure that irresponsible unilateral actions do not lead to a return to unduly low load factors.

A 6-month transitional period will also afford the carriers a further period of recovery from the aftereffects of the extraordinary problems of 1970–71. Although the parties to the agreement will return to profitable operations for 1972, if current trends continue, this profitable trend has become apparent only recently. Moreover, although, as pointed out above, traffic growth has now resumed, there may still be a gap between equipment on hand and available traffic. A 6-month transitional period will help alleviate these and other aftereffects of the past period.

We reject the request for discussions to the extent they contemplate any agreement in excess of 6 months. We have previously stated at length our views that capacity limitation agreements are at odds with the competitive scheme envisaged in the Federal Aviation Act, and are justifiable only as temporary expedients to meet extraordinary problems.[12] Nothing in the assertions of proponents persuades us otherwise. The operation of reasonable capacity in the four markets covered by multilateral agreement—particularly if that operation covers two offpeak seasons, as well as one peak season—will give the carriers clear experience from which they can continue unilaterally to realize the proven benefits of capacity restraint. It may be acknowledged that the matching of capacity to traffic poses a difficult management problem during a period of severe and unanticipated decline in traffic growth. However, that period now appears to be over, and while we anticipate some problem in adjusting capacity to traffic in the winter months immediately ahead, no such problem looms in

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[2] Comments in support have been filed by American, United, and the Port of New York Authority. The request is opposed by Delta Air Lines, Inc., Northeast Airlines, Inc., Continental Air Lines, Inc., Braniff Airlines, Inc., the Department of Justice, Aviation Consumer Action Project, and the Allied Pilots Association. The Port of Oakland and the Baltimore and Maryland parties request protective conditions. Leave to file a joint reply is sought by Trans World Airlines, Inc.; leave to reply to Baltimore is sought by the Fairfax County Industrial Authority; and leave to reply to TWA's consolidated reply is requested by Northwest. These will be granted as will a request by the city of Los Angeles to file a late answer in support of the application.

[3] In prior orders in this proceeding, we have established guidelines for the types of agreements which we will approve.

[4] Order 70–11–35, Nov. 6, 1970; Order 71–3–71, Mar. 11, 1971; Order 71–5–68, May 14, 1971; Order 71–8–91, Aug. 19, 1971.

[5] We recognize that when we initially authorized discussions we stated that agreements of at most 1-year duration were all that should be countenanced. Order 71–5–68, May 14, 1971. We anticipated a firmer and faster recovery than has taken place. We now believe, for reasons stated in the text, that a further agreement of no more than 6 months may be justifiable. The carriers' recovery, while gratifying, is still insufficiently firm at this time. Nevertheless, on the basis of progress to date and indications of continuing growth, which are much clearer now than in May 1971, we see no basis for agreements beyond the 6-month period.

[6] For the first 6 months of the agreement, TWA and American, respectively, estimate resulting cost savings of $12 million and $12.5 million. United has reported a resultant increase of $4 million in operating profits for the same period.

[7] TWA asserts that the carriers have reached the winter offpeak load-factor goal in the four markets of 50 percent. (This compares with the Board's interim load-factor standard for ratemaking purposes of 52.5 percent.) However, this load factor is based on a reduced seating configuration reflecting the use of lounges on wide-bodied aircraft and five-abreast seating instead of six-abreast on some aircraft. Utilizing the seating configuration standards established in Phase 6 of the Domestic Passenger Fare Investigation, Order 72–5–101, May 26, 1972, load factors in the four markets for the first 8 months have been about 47 percent. In June, the average reported load factor was 56.1 percent, an increase over the previous June of 9.5 percent.

[8] See Order 72–4–63 dated April 13, 1972.

[9] During most of 1971, trunk traffic was below or near 1970 levels. While significant growth appeared in October, November, and December, the growth rates over the same months in the previous year were 8.4 percent, 6.1 percent, and 7.4 percent, respectively. In January, February, and March 1972, traffic grew by 7.3 percent, 12.7 percent, and 16.5 percent, respectively. With the exception of May, initial reports of succeeding months are comparably favorable. These increases do not automatically translate into higher earnings, owing to declining yields and increased costs.

[10] Under the load-factor standard established in Phase 6A of the Domestic Passenger Fare Investigation, Order 71–4–54, April 9, 1971, low load factors caused by the operation of excess capacity will not be offset by higher fares.

[11] As indicated above, any agreement reached will be considered on the merits, and our findings at this time indicate only that we find sufficient potential in a brief extension of the agreements to warrant discussthereon.

[12] Footnote 4, supra. See also American-Western Merger Case, Orders 72–7–91, 72–7–92, July 28, 1972, p. 21. Prolongation of capacity agreements would also raise questions of fare policy in the markets involved. We have recently received oral argument on the relationship of fares in long-haul markets, such as are involved here, to fares in short-haul markets, as a part of Phase 9 of the Domestic Passenger Fare Investigation.

the spring and summer of 1973 or indeed, thereafter. We have full confidence that, given the expected continued improvement in traffic growth, air carrier managements will exercise sound business judgment and not forego the opportunity to achieve profitability by offering unduly high capacity.

It is our tentative view at this time that an additional 6-month extension of the agreements will not have a substantial adverse impact on the traveling public or on other carriers. However, these issues can be fully explored in the light of any agreements actually reached and the comments of interested persons in response thereto. At the time agreements are submitted for approval, it will also be appropriate to consider the conditions proposed by various civic parties in response to TWA's request for authority to hold discussions.

To facilitate an evaluation of the impact of any agreement on the public and other carriers, any agreements filed should be accompanied by certain information. The carriers should provide supplemental information to their data reports (those filed pursuant to Order 71-8-91, as amended by Order 72-4-63) to indicate, on a monthly basis over the term of the agreement, the number of times each particular flight in each of the four markets departed at least 95 percent full. We have also considered directing the submission of certain additional information suggested in some of the comments. Our present view is that this information will not be essential to an evaluation of a limited term agreement.

We will deny ACAP's request for a hearing. A hearing could probably not be completed before termination of the present agreement, nor is one shown to be necessary to enable the Board to determine whether agreements of up to 6 months should be approved.

Accordingly, it is ordered, That:

1. Applications for approval of discussions regarding capacity reductions in the below-specified city-pairs,[13] be and they hereby are approved subject to the following conditions:

(a) Discussions shall be held in Washington, D.C., the hour and date of such meetings to be determined by the carriers. A notice of such meetings shall be served upon the Civil Aeronautics Board and the persons stated in ordering paragraph 4 at least 3 calendar days prior to such meetings;

(b) Participation in each city-pair discussion shall be limited to carriers certificated to provide single-plane scheduled service in the market under discussion;

(c) Representatives of the Civil Aeronautics Board and any other local, State, or Federal Government agency; civic, trade, or consumer association, group or representative; or air carrier expressing an interest shall be permitted to attend and view the discussions as observers;

(d) A full transcript shall be maintained of all meetings, at the expense of the carriers, and a copy of said transcript shall be filed with the Board within 3 days after the conclusion of each day's meeting, and shall be available for purchase by any person;

(e) Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within 7 days of consummation thereof, accompanied by an explanatory statement and a statement of justification, and shall be served on the persons listed in ordering paragraph 4 within the same period; provided, that no agreement shall be implemented without having been previously approved by the Board;

(f) Comments pertaining to any agreements filed pursuant to subparagraph (e) shall be filed within 14 days from the date of the filing of such agreements with the Board;

(g) Comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within 10 days of the date of filing of such document;

(h) The relief granted herein shall expire within 90 days of the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) This authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation.

2. The motions of Trans World Airlines, Fairfax County Industrial Authority, and Northwest Airlines to file replies, be and they hereby are granted;

3. The motion of the city of Los Angeles, for leave to file a late answer, be and it hereby is granted;

4. Copies of this order shall be served on the Departments of Defense, Justice, Post Office, and Transportation; New York, N.Y.; Newark, N.J.; Los Angeles and San Francisco, Calif.; Chicago, Ill.; Washington, D.C.; Baltimore, Md.; the Port of New York Authority; the Aviation Consumer Action Project; the Allied Pilots Association; the Port of Oakland; the Fairfax County Industrial Authority; and all certificated scheduled and supplemental air carriers; and

5. To the extent not granted herein all outstanding requests be and they hereby are dismissed without prejudice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[14]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-12801 Filed 8-11-72;8:53 am]

[13] The authorized city-pairs are: New York/Newark-Los Angeles, New York/Newark-San Francisco, Chicago-San Francisco, and Washington/Baltimore-Los Angeles.

[14] Statement by Chairman Browne regarding qualifications to preside in this matter and dissenting statements by Members Minetti and Murphy filed as part of the original document.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

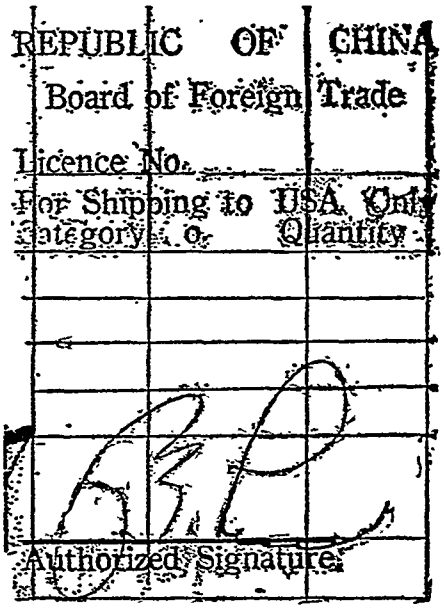
Entry or Withdrawal From Warehouse for Consumption

AUGUST 9, 1972.

On May 8, 1968, there was published in the FEDERAL REGISTER (33 F.R. 6944) a letter dated May 3, 1968, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs prohibiting effective June 10, 1968, and until further notice, the entry into the United States for consumption and the withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Republic of China which did not meet certain visa requirements.

One of the visa requirements was an official seal that was to be superimposed on certain information. The Governments of the United States and the Republic of China have agreed to a revision of this requirement. Upon publication of the letter of August 9, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs either the seal enclosed in the earlier letter of May 3, 1968, or the seal enclosed in the letter set forth below will be sufficient to authorize entry or withdrawal for consumption into the United States of cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in the Republic of China.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.



(P. Y. Liu)

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20226.

AUGUST 9, 1972.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on May 3, 1968, from the Chairman, President's Cabinet Textile Advisory Committee, which directed you to prohibit, effective June 10, 1968, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Republic of China, for which the Republic of China had not issued an appropriate visa.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva, on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 30, 1971, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 3, 1968, is amended, effective as soon as possible and until further notice, to authorize the entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Republic of China, that are accompanied by the enclosed seal as well as those accompanied by the seal enclosed in the directive of May 3, 1968.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-12802 Filed 8-11-72;8:53 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 9, 1972.

On March 10, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5149) a letter of March 6, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the bilateral wool and man-made fiber textile agreement of December 30, 1971 between the Governments of the United States and the Republic of China which establish specific export limitations on wool and man-made fiber textile products in certain categories, produced or manufactured in the Republic of China, for the agreement year beginning October 1, 1971.

The notice which accompanies the aforesaid letter, and was also published in the FEDERAL REGISTER on March 10, 1972, contained the following statement:

The agreement also contains provisions for the establishment of consultation levels for those categories not having specific export limitations for the agreement year beginning October 1, 1971. These levels, which are initially to be controlled by the Government of the Republic of China, could at a later date be controlled by the U.S. Government like those categories having specific export limitations.

Levels of 58,824 dozens and 64,103 pounds, respectively, have been established for man-made fiber textile products in Categories 231 and 242, produced or manufactured in the Republic of China, for the agreement year beginning October 1, 1971. The U.S. Government has decided to control imports in these categories for the remainder of the agreement year. The levels of restraint contained in the letter published below have been adjusted to reflect entries charged against such levels through June 30, 1972.

Accordingly, there is published below a letter of August 9, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of man-made fiber textile products in Categories 231 and 242, produced or manufactured in the Republic of China, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning October 1, 1971, and extending through September 30, 1972, be limited to the designated adjusted levels.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,

Washington, D.C. 20226.

AUGUST 9, 1972.

DEAR MR. COMMISSIONER: Under the provisions of the bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1972, between the Governments of the United States and the Republic of China and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit effective as soon as possible, and for the period extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Categories 231 and 242, produced or manufactured in the Republic of China, in excess of the following adjusted levels of restraint:

Category	*Adjusted levels of restraint*[1]
231	dozen -- 11,260
242	pounds -- 2,804

[1] The adjusted levels of restraint reflect entries made through June 30, 1972. The levels have not been adjusted to reflect any entries made after June 30, 1972.

Entries of man-made fiber textile products in the above categories produced or manufactured in the Republic of China and which have been exported to the United States prior to October 1, 1971, shall not be subject to this directive.

Man-made fiber textile products which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on April 29, 1972 (37 F.R. 8802).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-12803 Filed 8-11-72;8:53 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., AND PRUDENTIAL GRACE LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Laurence J. Buser, president, American Export Lines, Inc., 26 Broadway, New York, NY 10004.

Agreement No. 9992 is a sailing and cross-chartering agreement between the above-named common carriers by water between U.S. North Atlantic ports and ports in the Mediterranean whereby the parties agree to schedule and rationalize their sailings and port calls and to cross-charter space on each other's vessels.

Dated: August 8, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12772 Filed 8-11-72;8:50 am]

ITALY, SOUTH FRANCE, SOUTH SPAIN, PORTUGAL/U.S. GULF CONFERENCE

Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street, NW., Washington, DC 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of application to extend approval of dual rate system filed by:

G. Ravera, Secretary, Med-Gulf Conference, Post Office Box 1070, 16100 Genova, Italy.

The members of Italy, South France, South Spain, Portugal/U.S. Gulf Conference, Agreement No. 9522, have filed an application pursuant to section 14b of the Shipping Act, 1916, to extend the period of approval of its Puerto Rican Dual Rate System through August 1973, in lieu of the 18-month period commencing with the Commission's order, October 20, 1971. The purpose of this extension is to allow the contracts which were not consummated until March 1972 to run for the full 18-month period.

Dated: August 9, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12773 Filed 8-11-72;8:51 am]

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 7670-7 modifies Article VIII of the basic agreement to provide that none of the parties, their principals or affiliated companies shall give or promise, either directly or indirectly, to anyone any gift of substantial value or remuneration for any service beyond that called for in the Contracts of Affreightment or Tariffs.

Dated: August 8, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12775 Filed 8-11-72;8:51 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the

discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9214–7 modifies Article VIII of the basic agreement to provide that none of the parties, their principals or affiliated companies shall give or promise, either directly or indirectly, to anyone any gift of substantial value or remuneration for any service beyond that called for in the Contracts of Affreightment or Tariffs.

Dated: August 9, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12774 Filed 8-11-72;8:51 am]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including request for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 7770–8 modifies Article VIII of the basic agreement to provide that none of the parties, their principals, or affiliated companies shall give or promise, either directly or indirectly, to anyone any gift of substantial value or remuneration for any service beyond that called for in the Contracts of Affreightment or Tariffs.

Dated: August 9, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12776 Filed 8-11-72;8:51 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 7100–13 modifies Article IX of the basic agreement to provide that none of the parties, their principals, or affiliated companies shall give or promise, either directly or indirectly, to anyone any gift of substantial value or remuneration for any service beyond that called for in the Contracts of Affreightment or Tariffs.

Dated: August 8, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12777 Filed 8-11-72;8:51 am]

STRAITS/NEW YORK CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter and the statement should indicate that this has been done.

Notice of agreement filed by:

Elkan Turk, Jr., Esq., Burlington, Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 6010–17 is an "exclusive agency" agreement which prohibits any agent or any Straits/New York Conference member line from acting as agent for any nonconference common, private, or contract carrier in Penang, Port Swettenham, and Singapore as long as the nonconference carrier also calls at the Conference's destination ports along the gulf and Atlantic coasts of the United States. This proposed agreement is for an indefinite time period subject to meeting Commission informational requirements.

Dated: August 9, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12778 Filed 8-11-72;8:51 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificate of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01478---	Atlantic Sunrise Shipping Co., Ltd.: Southern Sunrise.
01617---	Atlantic Oil Carriers, Ltd.: Southern Cross. Southern Sunlight.
01627---	Union Shipping Co., Ltd.: Southern Union.
01628---	Union Steam Ship Company of New Zealand, Ltd.: Waikare.
01761---	Compagnie Fabre/Societe Generale De Transports Maritimes: Atlantica Marseille.
01913---	Breeze Shipping Co., Ltd.: Southern Breeze.
01992---	Nordstrom & Thulin AB: Cassiopeia.
02249---	Fisser & v. Doornum: Isar.
02256---	Sigurd Haavik A/S: Bambi.
02422---	Oceanic Sun Line Special Shipping Co., Inc.: Stella Oceanis. Stella Maris II.
02461---	Puget Sound Freight Lines: Tumwater.
02877---	Nippon Yusen Kabushiki Kaisha: Tottori Maru.
02889---	Showa Kaiun K.K.: Shomei Maru. Kosho Maru.
02958---	Kawasaki Kisen K.K.: Ohtsukawa Maru.
03443---	Kambara Kisen K.K.: Tenrin Maru
03458---	Matsuoka Kisen Kabushiki Kaisha: Buenos Aires Maru.
03476---	Nissin Kisen K.K.: Japan Plum.
03480---	Osaka Senpaku K.K.: Montevideo Maru.
03692---	Marmac Corp.: Manitou.
03979---	Moran Towing Corp.: SE 103. SE 104.
04601---	American Tunaboat Association: White Star. American Queen.
05068---	Pyla Shipping Co., Ltd., Nicosia: Pati.
05098---	Esso Tankers, Inc.: Esso Nassau.
05245---	Blaesbjerg & Co.: Viggo Scan. Super Scan.
05549---	Polska Zegluga Morska: Zaglebie Miedziowe.
05822---	"Marcosa" Maritima Continental y De Comercio, S.A.: Marcosa I.
05878---	Societe Maritime De Baillon, Inc.: C. De Maloize.
05990---	Tagomaru Gyogyo Kabushiki Kaisha: Tago Maru.
06088---	Radial Shipping Co. S.A., Panama: Stella.
06186---	Naviera Maya, S.A.: Mexico.
06260---	Empress Shipping Co., Ltd.: Southern Empress.
06311---	Kanai Gyogyo Kabushiki-Kaisha: Tomi Maru No. 88.
06339---	Panoceanic Marine Products Co., Inc.: Endeavourers No. 7.
06484---	Naviera Veracruzana, S.A.: Villacarriedo.
06558---	Orient Overseas Container Services, Inc. of Liberia: Pacific Phoenix.
06568---	Hooker Chemicals, Ltd.: Metlakatla.
06618---	Apsyrtos Shipping Co., Ltd.: Aegis Star.
06821---	Anglo-Eastern Bulkships, Ltd.: Chemical Venturer.
06849---	E-Hsiang Steamship Co., Ltd.: Eastern Mariner.
07056---	Southland Trading Inc.: George K. Melissa K.
07058---	Bamber Shipping Co.: World Horizon.
07079---	Aethon Shipping Co., Ltd.: Aegis Legend.
07088---	Enka Shipping Corp. Monrovia: Scapbreeze.
07089---	Cassiopi Shipping Co., S.A. Panama: Scaproad.
07091---	Atlastor Navigation, Ltd.: Evgenia K. Chimples.
07096---	Carib Reefers N.V.: Southern Trader. Southern Star. Southern Isle.
07103---	Seagull Compania Naviera S.A.: Athenian.
07107---	Evel Maritime, Ltd.: Tara E.
07110---	Western Boat Operators, Inc.: Research Tide.
07115---	Fukuoka-Ken: Genyo Maru.
07125---	Coast Navigation, Inc.; Nyala Shipping Corp.: Ajax.
07127---	Ariston Shipping Co. Ltd.: Ariston.
07130---	Malviki Shipping Co. Ltd.: Viki.
07131---	R. W. Denny Corp. and Buckley & Co., Inc., a joint venture: Denny-Buckley 200 Scow. Davy D.
07140---	Ehime Prefectural Government: Ehime Maru.
07141---	Miyagi Prefectural Government: Shin Miyagi Maru. Miyagi Maru.
07144---	Hawk Steamship Co., Ltd.: Asia Hawk.
07145---	Dai-Ho Industrial Co., Ltd.: No. 77 Daiho.
07147---	Newfoundland Steamships, Ltd.: Cabot. Chimo.
07156---	Westwind Shipping Co., S.A.: Symphonic.
07158---	Powell Fuel Oil Service, Inc.: Pan Am 214.
07162---	Camden Shipping Co., Ltd.: Camden.
07163---	Casterbridge Shipping Co., Ltd.: Casterbridge.
07164---	Cadogan Shipping Co., Ltd.: Cadogan.
07165---	Cadwalader Shipping Co., Ltd.: Cadwalader.
07166---	Carnegie Shipping Co., Ltd.: Carnegie.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-12770 Filed 8-11-72;8:50 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01253---	Aktieselskapet Havkong: Havskar.
01330---	Sheel Tankers (U.K.) Ltd.: Vexilla. Hygromia.
01758---	Chotin Transportation, Inc.: Gissel 2201. Gissel 2202. G.S. 200. G.W. 300.
01861---	BP Tanker Co., Ltd.: British Bulldog.
01989---	Erik Thun Aktiebolag: Thuntank 5. Thuntank 6.
02198---	P. & O. Steam Navigation Co.: Chilka.
02422---	Oceanic Special Shipping Co., Inc.: Stella Oceanis. Stella Maris II.
02465---	Koch-Ellis Marine Contractors, Inc.: KE-36. KE-38.
02962---	Nippin Kisen Kaisha: Shinsei Maru No. 7.
02977---	J. Ray McDermott & Co., Inc.: Bar-283.
03137---	Cunard Steam-Ship Co. Ltd.: Maipura.
03142---	Prosperous Navigation Co. Inc.: Prosperous City.
03255---	Port Line, Ltd.: Port Lyttelton.
03281---	Northern Lines, Inc.: Doña Corazón.
03441---	Japan Line K.K.: Japan Dahlia. Japan Rose.
03476---	Nissin Kisen K.K.: Japan Hickory.
03570---	I/S Ringar: Ringar.
04004---	Koninklijke Java-China-Paketvaart Lijnen: Straat Tanga.
04173---	Foss Launch & Tug Co.: Foss 120.

Certificate No.	Owner/Operator and Vessels
04235	Bollinger & Boyd Barge Service, Inc.: SBA–200.
04406	Alter Co.: Col. Davenport.
04440	Marine Carriers Corp.: Producer.
04627	Inland Tugs Co.: I. F. Freiberger. Raymond E. Salvati. Philip Sporn. Albert F. Holden.
04837	Invermar Lines, Inc.: Ivana. Tina. Uniserv.
05090	Esso Petroleum Co., Ltd.: Esso Oxford.
05980	Tamamaru Suisan Kabushiki Kaisha: Tama Maru No. 18.
06016	Cyprice & Co. Ltd.: Monopal.
06272	Partrederiet for M/T Otaru: Otaru.
06355	Aluminum Co. of America: Alcoa Seaprobe.
06665	Amelia Shipping Corp.: Amelie Thyssen.

By the Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-12771 Filed 8-11-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. R-450; Order No. 456]

RATE SCHEDULES AND TARIFFS

Waiver of Regulations and Establishment of Procedures for Producer Filings Regarding Increases in Louisiana Severance Tax

AUGUST 4, 1972.

On July 3, 1972, the State of Louisiana enacted an increase in its severance tax, effective August 1, 1972.[1] As a result, many producers making jurisdictional sales of natural gas produced in Louisiana may have the right to collect higher rates. In such circumstances the Natural Gas Act and the Commission's regulations thereunder require that any such proposed increased rate be filed with the Commission.

To simplify the filing of such proposed increased rates, the Commission deems it proper and in the public interest on its own motion to waive the 30-day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and to waive the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) with respect to any proposed change in rate based solely upon the increase in the Louisiana severance tax. Accordingly, any such proposed increase in rate may be filed in the form prescribed herein and if the filing is made on or before August 31, 1972, the 30-day notice period will be waived and an effective date of August 1, 1972, will be granted.[2] In the event a filing is made after August 31, 1972, it will be effective as of the date of filing.

Pursuant to this Commission's Opinion No. 598, as amended, issued July 16, 1971, in Dockets Nos. AR61–2, et al., and AR69–1, and Opinion No. 607, as amended, issued October 29, 1971, in Dockets Nos. AR67–1, et al., the area rates prescribed in said opinions for the southern (onshore) and northern Louisiana areas, respectively, are adjusted upward by 87.5 percent of the subject increase in severance tax. All producers making sales in the Louisiana taxing jurisdiction are therefore entitled, to the extent contractually authorized under a tax reimbursement provision or otherwise, to file increased rates up to the new ceilings and such filings may be made pursuant to the provisions of this order without regard to the specific type of contractual authorization involved.[3] These filings will be accepted, without refund obligation.

Finally, we shall permit pipelines with purchased gas adjustment clauses, including those which may become effective after August 1, 1972, to accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to this order commencing with the effective date of the producer increases.

The Commission finds:

(1) Good cause exists and it is appropriate and in the public interest in the administration of the Natural Gas Act to waive the 30-day notice requirements set forth in section 4(d) of the Natural Gas Act (52 Stat. 882; 15 U.S.C. 717c(d)) and section 154.94(b) of the Commission's regulations thereunder (18 CFR 159.94(b)) and to waive the requirements of § 154.94(f) of the Commission's regulations (18 CFR 154.94(f)) with respect to the filing, as hereinafter ordered, of any appropriate supplement reflecting the increase in the Louisiana severance tax.

(2) The waiver of the requirements relating to notice and to filing herein adopted relieve a restriction and involve matters of Commision practice and procedure. The notice, hearing, and effective date provisions of section 553 of title 5 of the United States Code are therefore inapplicable.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o) and in accordance with sections 552 and 553 of title 5 of the United States Code, orders:

(A) Rate schedule changes solely reflecting the increase in the Louisiana severance tax may be filed in the following form:

Field: _____
Parish: _____
Area: No. La. ☐ So. La. ☐

1. This filing is submitted pursuant to Commission Order No. _____ to reflect reimbursement of the increase in the Louisiana severance tax effective August 1, 1972, levied on producers of natural gas and/or casinghead gas.
2. Such reimbursement is provided by Section _____ of the contract dated _____ between _____ and _____ on file with the Commission and designated _____ FPC Gas Rate Schedule No. _____.
3. A copy of this filing was served on the buyer as required by the Commission's Regulations on _____
4. Comparison of rates prior to and subsequent to such change in rate (Cents per Mcf at 15.025 p.s.i.a.):

Total Price Before Increase	*Tax Reimbursement Increase*	*Total Price After Increase*
Sales for 12 months ending _____: _____ Mcf		

☐ Total prices shown are subject to B.t.u. adjustment.
☐ Total prices shown reflect B.t.u. adjustment, based on B.t.u. content of: _____

Filing Party: _____
Address: _____
Signed: _____

(B) The 30-day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) are waived with respect to those filings permitted by ordering paragraph (A) above.

(C) Any increased rate filing solely reflecting the increase in Louisiana severance tax which does not exceed the applicable higher ceiling authorized under either Opinion No. 598 or 607, as amended, as a result of said tax increase shall be accepted, without refund obligation, effective as of August 1, 1972, if the filing is made on or before August 31, 1972, and as of the date of filing if the filing is made subsequent thereto.

(D) Pipeline companies with purchased gas adjustment clauses, including those which may become effective after August 1, 1972, may accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to this order commencing with the effective date of the producer increases.

(E) This order shall be effective upon issuance.

[1] The existing tax (until August 1) is 2.3 cents per Mcf (at 15.025 p.s.i.a. and at a temperature base of 60° F.). The new tax is to be the greater of 2.3 cents per Mcf or 11.5 percent of the value of the gas at the time and place of severance. There is no change in the existing tax of 1.3 cents per Mcf on gas from low-pressure oil wells or low-volume gas wells.

[2] In view of the early effective date for the tax increase and the recent adoption of purchased gas adjustment clauses for pipelines, the effective date provisions of section 4.2 of the UDC settlement proposal in Opinion No. 598 are waived for sales from southern Louisiana.

[3] It makes no difference whether a filing is permitted under the tax reimbursement provision or some other pricing provision in a contract.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12623 Filed 8-11-72;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Notice of Application for Approval of Easement

AUGUST 8, 1972.

Public Notice is hereby given that application has been filed February 23, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by the Arkansas Power & Light Co. (Correspondence to: Mr. W. M. Murphey, Vice President, Arkansas Power & Light Co., Ninth and Louisiana Streets, Little Rock, Ark. 72203) for change in land rights for constructed Project No. 271, known as Carpenter and Remmel Developments Project, located in Hot Springs and Garland Counties, Ark., near the towns and cities of Malvern and Hot Springs on the Ouachita River.

The applicant proposes to grant an easement for the construction of a 6-inch sewage effluent line to the Quadrant Corp. and the Fairwood Homes Association, Inc., builders and homeowners respectively, of the Fairwood subdivision adjacent to Lake Hamilton in Garland County, Ark. The sewage effluent line will be constructed along the bottom of the Lake Hamilton Reservoir extending approximately 700 feet into the reservoir.

The proposed easement prohibits any use which would be incompatible with the overall recreational use of the project or would adversely affect the environment qualities or aesthetic values.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12782 Filed 8-11-72;8:51 am]

[Docket No. CI73-75]

DOW CHEMICAL CO.

Notice of Application

AUGUST 9, 1972.

Take notice that on July 31, 1972, Dow Chemical Company (Applicant), Post Office Box 3496, Tyler, TX 75701, filed in Docket No. CI73-75 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) at an existing point of interconnection on Texas Eastern's 24-inch pipeline in Colorado County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to sell natural gas to Texas Eastern within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and plans to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 4,000 Mcf per day at 35.0 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, of the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12779 Filed 8-11-72;8:51 am]

[Docket No. CP73-30]

LONE STAR GAS CO.

Notice of Application

AUGUST 8, 1972.

Take notice that on July 31, 1972, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP73-30 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon the operation of certain facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to the provisions of an agreement between Applicant and Pioneer Gas Products Co. (Pioneer), Applicant seeks permission and approval to abandon the operation of certain interstate transmission facilities by sale to Pioneer for use, along with dehydration, gathering, and pipeline facilities to be conveyed by Applicant, as behind the plant gathering facilities. In order to process natural gas containing excessive hydrogen sulphide which Applicant purchases from four wells in the Aylesworth southeast field area, Bryan County, Okla., Applicant states that Pioneer will process and compress said gas in its Madill plant in Marshall County, Okla., and resell the gas to Applicant for delivery to the same customers as are now receiving the gas, under the terms of an agreement between Applicant and Pioneer. Applicant also requests authority to abandon by removal and salvage these facilities no longer needed to transport the Aylesworth southeast field gas to Applicant's pipeline system. Applicant states that it would assign the related gas purchase contracts and rights of way to Pioneer. Specifically, Applicant seeks permission and approval to abandon the following pipelines and appurtenant facilities located in the Aylesworth southeast field by sale to Pioneer and, as designated, by removal and salvage:

(1) Approximately 3.56 miles of 6-inch line E5A–B;

(2) Approximately 0.17 mile of 3-inch and 4-inch line GN–25–T;

(3) Approximately 0.08 mile of 3-inch line of GN–74–T; and

(4) Approximately 3.74 miles of 10-inch line E5A–B to be removed and salvaged.

In addition to the transmission facilities proposed to be abandoned above,

Applicant states that it would also convey its Aylesworth southeast dehydration plant and related gathering facilities to Pioneer.

Applicant further states that the proposed abandonments and operational changes will permit Applicant to obtain economically high pressure pipeline quality gas and that the compression capability of the Madill plant will increase the amount of reserves deliverable from this source of supply. Applicant asserts that the proposed abandonments and operational changes will not result in the diminution of natural gas service to any community or customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12783 Filed 8-11-72;8:51 am]

[Docket No. CP64-268; CP70-313]

LONE STAR GAS CO.

Notice of Application

AUGUST 9, 1972.

Take notice that on July 28, 1972, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket Nos. CP64-268 and CP70-313 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, permission and approval for the abandonment of certain other facilities and an order further amending the order issuing the certificate of public convenience and necessity in Docket No. CP64-268 (32 FPC 569), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states there is a need to rearrange and realine its facilities and operations in order that excess availability of gas in the so-called Four Counties Area in Texas and Oklahoma may be made available to its southeastern Oklahoma markets, thus relieving such area from dependence upon inadequate gas supplies in the east Texas area, while the east Texas gas can then be utilized to serve, in part, Applicant's northeast Texas market. Applicant further states that the Commission recognized the necessity of realining its facilities in Opinion No. 621 issued in Docket No. CP70-313 on June 21, 1972 (47 FPC ____), in which the application was denied. Applicant now submits an alternate program for approval, whereby service to the Weyerhaeuser plant at Valiant is not included and whereby the length and size of the proposed southeast Oklahoma pipeline is reduced.

Applicant requests authority to construct and operate approximately 79.2 miles of 8-inch line E-32, approximately 6 miles of 8-inch line E-32-A, approximately 9 miles of 8-inch line 2d E-26, approximately 6.2 miles of 6-inch line E-26-3, and the Durant compressor station, consisting of one unit of 880 horsepower located at the junction of line E-32 and E-32-A in Oklahoma.

Applicant requests authority to abandon by removal and salvage a 7.6-mile segment of line E between Grayson County and Fannin County in Texas; a 7.81-mile segment of 8-inch line E-16 in Lamar County, Tex.; 16.22 miles of 8-inch line E-26 in Red River County, Tex.; and 4.70 miles of 8-inch line E-26 in McCurtain County, Okla.; and appurtenances. Additionally, Applicant proposes to abandon the following lines E, O, and S-2 system facilities by transfer to intrastate operations:

1. A 73.76-mile segment of 10-inch, 8-inch, and 6-inch line E between Fannin and Red River Counties in Texas;
2. 1.26 miles of 8-inch line 2d E and appurtenances in Lamar County, Tex.;
3. 0.69-mile of 6-inch line E-6 and appurtenances in Fannin County, Tex.;
4. 1.29 miles of 4-inch line E-7 and appurtenances in Fannin County, Tex.;
5. 2.21 miles of 2-inch line E-8 and appurtenances in Fannin County, Tex.;
6. 30.09 miles of 6-inch, 4-inch, and 3-inch line E-10 and appurtenances in Collin County, Tex.;
7. 11.29 miles of 4-inch line 2d E-10 and appurtenances in Grayson County, Tex.;
8. 1.16 miles of 2-inch line E-10-1 and appurtenances in Fannin County, Tex.;
9. 0.43-mile of 3-inch line E-10-2 and appurtenances in Grayson County, Tex.;
10. 5.09 miles of 3-inch line E-10-3 and appurtenances between Grayson County and Fannin County, Tex.;
11. 3.30 miles of 2-inch line E-10-4 and appurtenances between Grayson County and Collin County, Tex.;
12. 8.96 miles of 4-inch line E-10-5 and appurtenances in Grayson County, Tex.;
13. 0.01-mile of 4-inch line E-10-5-1 and appurtenances in Grayson County, Tex.;
14. 5.70 miles of 3-inch line E-10-6 and appurtenances between Fannin County and Grayson County, Tex.;
15. 0.05-mile of 2-inch line E-10-6-1 and appurtenances in Fannin County, Tex.;
16. 0.01-mile of 3-inch line E-10-7 and appurtenances in Collin County, Tex.;
17. 4.06 miles of 3-inch line E-10-8 and appurtenances in Collin County, Tex.;
18. 3.33 miles of 3-inch line E-11 and appurtenances in Fannin County, Tex.;
19. 0.27-mile of 2-inch line E-12 and appurtenances in Lamar County, Tex.;
20. 0.91-mile of 3-inch line E-13 and appurtenances in Lamar County, Tex.;
21. 4.96 miles of 3-inch line E-14 and appurtenances in Lamar County, Tex.;
22. 3.14 miles of 3-inch line E-17 and appurtenances in Fannin County, Tex.;
23. 0.01-mile of 10-inch line E-18 and appurtenances in Lamar County, Tex.;
24. 0.01-mile of 3-inch line E-19 and appurtenances in Lamar County, Tex.;
25. 0.01-mile of 3-inch line E-20 and appurtenances in Red River County, Tex.;
26. 0.01-mile of 3-inch line E-21 and appurtenances in Red River County, Tex.;
27. 13.26 miles of 6-inch and 4-inch line E-22 and appurtenances in Red River County, Tex.;
28. 2.50 miles of 4-inch line E-22-1 and appurtenances in Red River County, Tex.;
29. 0.67-mile of 3-inch line E-22-2 and appurtenances in Red River County, Tex.;
30. 0.01-mile of 2-inch line E-24 and appurtenances in Fannin County, Tex.;
31. 1.90 miles of 3-inch and 2-inch line E-25 and appurtenances in Red River County, Tex.;
32. 0.01-mile of 4-inch line E-27 and appurtenances in Lamar County, Tex.;
33. 1.11 miles of 6-inch line E-28 and appurtenances in Lamar County, Tex.;
34. 0.01-mile of 2-inch line E-29 and appurtenances in Lamar County, Tex.;
35. 15.98 miles of 3-inch line E-30 and appurtenances in Red River County, Tex.;
36. 0.01-mile of 2-inch line E-30-1 and appurtenances in Red River County, Tex.;
37. 42.70 miles of 12-inch line O and appurtenances in Smith County, Tex.;
38. 1.30 miles of 6-inch line OV and appurtenances in Wood County, Tex.;
39. 39.42 miles of 12-inch, 10-inch, and 8-inch line O-33 and appurtenances between Hopkins County and Lamar County, Tex.;
40. 29.27 miles of 16-inch line O-38 and appurtenances between Hopkins County and Red River County, Tex.;
41. 23.34 miles of 8-inch line O-38-1 and appurtenances in Red River County, Tex.;
42. 45.45 miles of 14-inch line S-2 and appurtenances between Smith County and Panola County, Tex.;
43. 19.93 miles of 12-inch line S-2-B and appurtenances in Smith County, Tex.;
44. 1.11 miles of 4-inch line S-2-B-C and appurtenances in Smith County, Tex.;
45. 0.35 mile of 10-inch line S-2-D and appurtenances in Rusk County, Tex.;
46. 7.54 miles of 6-inch line S-2-H and appurtenances in Rusk County, Tex.;
47. 10.93 miles of 6-inch line S-2-J and appurtenances in Panola County, Tex.;
48. 0.29 mile of 3-inch line CT-920-T and appurtenances in Wood County, Tex.;
49. 0.80 mile of 3-inch line CT-1098-T and appurtenances in Panola County, Tex.;
50. 0.54 mile of 3-inch line CT-1134-T and appurtenances in Rusk County, Tex.; and
51. 0.1 mile of 2-inch line CT-1135-T and appurtenances in Rusk County, Tex.

Applicant further requests the Commission to amend further the order issuing a certificate of public convenience and necessity in Docket No. CP64-268, which, as amended, provides for the transportation of daily volumes of natural gas of up to 6,000 Mcf for sale and delivery to Dierks Forests, Inc., by enlarging said authorization to provide for the transportation of up to 7,800 Mcf per day for sale and delivery to Weyerhaeuser Co., Dierks' successor in interest, at its Craig insulation board manufacturing plant near the town of Broken Bow, McCurtain County, Okla.

Applicant states that the estimated cost of the proposed construction is $3,489,000, which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12780 Filed 8-11-72;8:51 am]

[Docket No. E-6751]

MAINE PUBLIC SERVICE CO.

Notice of Application

AUGUST 8, 1972.

Take notice that Maine Public Service Co. (applicant), incorporated under the laws of the State of Maine and doing business in that State, with its principal place of business at Presque Isle, Maine, filed an application in Docket No. E-6751 on May 2, 1972, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, modifying applicant's current authorization to transmit electric energy from the United States to Canada.

By Commission order issued March 26, 1968, Docket No. E-6751 (39 FPC 343), applicant was authorized to transmit electric energy from the United States to Canada in (1) an amount not to exceed 12,600,000 kw.-hr. per year at a transmission rate not to exceed 3,100 kw. for delivery to Maine and New Brunswick Electrical Power Co., Ltd. (Canadian Subsidiary), a corporation owned by applicant and organized under the laws of the Province of New Brunswick, Canada, over applicant's facilities covered by its Presidential permit signed by the President of the United States on January 3, 1948, as modified by the amendment signed by the Chairman of the Federal Power Commission on December 5, 1963, Docket No. IT-6027; and (2) an amount not to exceed 100 million kw.-hr. per year at a transmission rate not to exceed 40,000 kw. for delivery to The New Brunswick Electric Power Commission (New Brunswick Commission), a statutory body created by an act of the legislature of the aforementioned Province of New Brunswick, over applicant's facilities covered by its permit signed by the Chairman of the Federal Power Commission on September 18, 1957, as modified by the amendment signed by said Chairman on March 22, 1968, Docket No. E-6752.

Applicant now requests that the authorization granted by Commission order issued March 26, 1968, be modified to authorize applicant to export electric energy to Canadian Subsidiary in an amount which will be sufficient to supply the electric requirements of the Canadian customers of Canadian Subsidiary during such periods as it "shuts down in whole or in part the operations of its Tinker Hydro Plant to enable applicant to store water in its reservoir or during breakdown or unavoidable outages of * * * Tinker Hydro Plant." According to the application, studies indicate that "during a normal water year * * * Tinker Plant will be shut down approximately 30 percent of the time in order to store water in applicant's reservoirs." The application recites that the estimated total electric requirements of the Canadian customers of Canadian Subsidiary for the next 5 years will increase from 15,200,000 kw.-hr. and 3,300 kw. in 1972 to 21 million kw.-hr. and 4,500 kw. in 1977.

Applicant also requests that the authorization granted by the order of March 26, 1968, be modified to authorize applicant to export electric energy to New Brunswick Commission in an amount not to exceed 150 million kw.-hr. per year at a transmission rate not to exceed 40,000 kw.

Applicant proposes to make certain changes in its transmission facilities located at the Maine-New Brunswick border. These facilities are utilized to deliver electric energy to Canadian Subsidiary and are covered by applicant's amended Presidential permit, Docket No. IT-6027. Accordingly, concurrently with the filing of its application for the supplemental export order in Docket No. E-6751, applicant filed an application in Docket No. IT-6027, pursuant to Executive Order No. 10485, dated September 3, 1953, seeking further modification of that Presidential permit to authorize applicant to reconstruct one of its 69,000-volt transmission lines situated at the border 0.5 mile north of the Four Falls, New Brunswick, Custom Office. Applicant will continue to make deliveries of electric energy to New Brunswick Commission over the existing 69,000-volt transmission facilities located at the Maine-New Brunswick border and covered by applicant's amended permit, Docket No. E-6752.

Applicant represents that the amount of electric energy which it proposes to export to Canadian Subsidiary and New Brunswick Commission, respectively, in accordance with certain contracts submitted as a part of the application filed in Docket No. E-6751, "will, at all times, be limited to the amount of energy applicant can make available, at the time, without impairing service to its customers in the United States."

Any person desiring to be heard or to make any protest with reference to the application filed in Docket No. E-6751 should on or before August 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12784 Filed 8-11-72;8:52 am]

[Docket No. CI73-72]

MILLICAN OIL CO.

Notice of Application

AUGUST 9, 1972.

Take notice that on July 24, 1972, Millican Oil Co. (applicant), 3636 Richmond Avenue, Houston, TX 77027, filed in Docket No. CI73-72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) at a point of interconnection in Goliad County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on July 12, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 21, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12781 Filed 8-11-72;8:51 am]

[Docket No. RP73-6]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Filing of Proposed Curtailment Plan

AUGUST 8, 1972.

Take notice that on July 28, 1972, Mississippi River Transmission Corp. (MRT) (9900 Clayton Road, St. Louis, MO 63124) submitted for filing revised tariff sheets[1] to its presently effective FPC Gas Tariff, First Revised Volume No. 1, constituting its permanent curtailment plan pursuant to the Commission's order of April 15, 1971 (Commission Order No. 431). MRT requests its tendered sheets to become effective September 1, 1972.

In summary, MRT's proposed permanent curtailment plan provides:

(1) The division of MRT's resale customers into two categories: Participating Buyers, which are those having contract demands under MRT's Rate Schedule CD-1 of 5,000 Mcf or more, and Partial Participating Buyers, which are those having contract demands of less than 5,000 Mcf.

(2) Curtailment to be applied in the following descending order: (a) Deliveries by MRT and Participating Buyers to customers generating electricity for public consumption; (b) MRT's direct interruptible industrial deliveries; (c) interruptible industrial deliveries of Participating Buyers; (d) firm industrial deliveries of both MRT and Participating Buyers to customers purchasing 1,000 Mcf per day or more, on the average; (e) firm industrial deliveries of both MRT and Participating Buyers to customers purchasing less than 1,000 Mcf per day, on the average; and (f) remaining Resale service.

(3) Reduction or elimination of the demand charge adjustment as set out in MRT's presently effective tariff in cases where curtailment is caused by a gas supply deficiency. No demand charge adjustment would be payable by MRT unless MRT in turn received a demand charge adjustment from a supplier who curtailed deliveries to it. In such case, a portion of the amount received by MRT would be passed on to jurisdictional customers whose purchases were curtailed.

(4) Related tariff changes to allegedly "integrate" the plan with provisions in Rate Schedules CD-1 and PI-1 and the general terms and conditions of the tariff. These include modification of the unauthorized overtake provision in Rate Schedule CD-1 and the elimination of the separate unauthorized overtake provision in Rate Schedule PI-1.

(5) The force majeure provisions of the tariff are modified to definitively assert that they apply to long-term, as well as short-term, failures of supply, and that supplier curtailments constitute a supply failure.

MRT states that the above-described permanent curtailment plan was formulated for the purpose of protecting and giving highest priority to the service of its residential and commercial customers.

[1] The tariff sheets are designated as follows: Thirteenth Revised Sheet No. 4; Ninth Revised Sheet No. 5; Eighth Revised Sheet No. 6; Third Revised Sheet No. 7A; Sixth Revised Sheet No. 7B; First Revised Sheet No. 7C; Fourth Revised Sheet No. 23; Original Sheets Nos. 23A through 23H; and First Revised Sheets Nos. 25 and 26.

MRT's permanent curtailment plan is on file with the Commission and is available for public inspection.

MRT states that copies of its filing have been mailed to its jurisdictional and direct sale customers and to the appropriate State regulatory commissions. Additionally, MRT states that copies of this filing are available for public inspection during regular business hours in its office in St. Louis, Mo.

Any person desiring to be heard or to make any protest with reference to this filing should on or before August 25, 1972, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615 including such amendments as the Commission may require.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12785 Filed 8-11-72;8:52 am]

[Docket No. CP73-29]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 8, 1972.

Take notice that on July 31, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE, filed in Docket No. CP73-29, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange, transportation, and sale of natural gas with Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) on a 1-year, nonconcurrent, exchange storage basis and with Great Lakes Gas Transmission Co. (Great Lakes), all as more fully set forth in the application on file with the Commission and open to public inspection.

Pursuant to the provisions of a transportation and storage agreement dated April 4, 1972, applicant requests authority to deliver a total of 2,800,000 Mcf of natural gas to Michigan Wisconsin at the existing Janesville interconnection in Wisconsin from April through October 1972 on those days when applicant has gas available in excess of its customers' needs and its storage injection requirements. Applicant states that Michigan Wisconsin will cause the injection of an equivalent volume of gas into

underground storage facilities for redelivery to applicant during the 1972–73 heating season. Applicant indicates that Michigan Wisconsin will redeliver said gas to it by making physical delivery of the gas to Great Lakes at Farwell, Mich., and Great Lakes will in turn deliver, by displacement, equivalent volumes to applicant at existing points of interconnection near Carlton and Grand Rapids, Minn. Applicant states that it will pay to Michigan Wisconsin 38.64 cents per Mcf of gas so delivered, stored, transported, and redelivered.

Applicant further requests authority to exchange 25,000 Mcf of natural gas per day with Great Lakes under the terms of a 1-year gas exchange agreement dated July 15, 1972, whereby applicant will receive gas from Great Lakes through existing interconnections in Minnesota and Michigan, and applicant will concurrently redeliver equivalent volumes to Great Lakes at either or both of two delivery points. Applicant will deliver gas to Great Lakes at the existing Wakefield, Mich., interconnection or to Michigan Wisconsin, for the account of Great Lakes, at the existing Janesville, Wis., interconnection. Applicant indicates that it will be able to provide an additional 45,000 Mcf of gas per day to its utility customers during the winter period, as a result of the above described exchanges and leased storage arrangements.

Applicant states that no additional facilities are required to effect the proposed exchanges, transportation, and sale of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12786 Filed 8-11-72;8:52 am]

[Docket No. CP73-28]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 8, 1972.

Take notice that on July 31, 1972, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, NE, filed in Docket No. CP73-28 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant, at the request of certain of its utility customers, to adjust and realign volumes by community within their presently authorized contract demand, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to revise the presently authorized contract demand service for Central Telephone and Utilities Corp., Great Plains Natural Gas Co., Iowa Power and Light Co. and Inter-City Gas Ltd. for the 1972–73 heating season, by community, commencing October 27, 1972. Applicant states that the above-named utility customers advised it that the realignment of contract demand volumes among certain of their communities would permit maximum utilization of available supplies to meet most effectively the requirements of high priority residential, commercial, and industrial markets.

Applicant states that the proposed realignment of contract demand volumes by community will not increase or decrease the presently authorized total contract demand of the respective utility companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12787 Filed 8-11-72;8:52 am]

[Project No. 1029]

PACIFIC POWER & LIGHT CO.

Notice of Application for Surrender of License (Minor)

AUGUST 8, 1972.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. for surrender of license (Minor) for Project No. 1029, located along the Rogue River in the vicinity of the towns of Medford and Gold Hill, Jackson County, Oreg.

The Gold Ray Plant No. 1029 consists of (1) a concrete dam 18 feet high and 415 feet long including an ungated overflow spillway; (2) a powerhouse containing two generating units with a total installed capacity of 1,500 kw.; (3) a fish ladder and a counting station; (4) a switchyard and two transmission lines; and (5) a reservoir covering 20 acres.

The plant is not under license. The license is limited by its terms to authorizing the occupancy and use for flowage purposes 24 acres of lands of the United States which are part of the Oregon-California Revestment Area administered by the Bureau of Land Management.

The Licensee proposes to donate the project reservoir and structures, and 20 acres of land to Jackson County, Oreg. for the purpose of a public park. The Licensee states that the generating equipment will be removed or rendered inoperative.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party

in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12788 Filed 8-11-72;8:52 am]

[Docket No. RP73-7]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Proposed Changes in Rates and Charges

AUGUST 8, 1972.

Take notice that South Texas Natural Gas Gathering Co. (South Texas) on July 31, 1972, tendered for filing proposed changes in its rates to Transcontinental Gas Pipe Line Corp. under South Texas Natural Gas Gathering Co. FPC Gas Rate Schedule No. 2 and to Natural Gas Pipeline Company of America under South Texas Natural Gas Gathering Co. FPC Gas Rate Schedule No. 1. The proposed changes would increase South Texas' annual revenues by $1,240,251 with respect to Transcontinental Gas Pipe Line Corp. and by $96,406 with respect to Natural Gas Pipeline Company of America. South Texas contends the rate of return earned after the proposed rate increase would be a negative 7.53 percent. The negative percent is the result of a contract which limits South Texas' rate of return. Under these circumstances South Texas asks that the Commission waive the requirements of § 154.63(b)(3) of its regulations which require the filing of Statement P material within 15 days of the date of filing. South Texas also requests that the proposed rate changes go into effect without suspension or hearing. But if the Commission should suspend the proposed rate changes, South Texas wishes to file the Statement P material within 15 days of the suspension date.

Copies of this filing were served on both interested parties.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 21, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12789 Filed 8-11-72;8:52 am]

[Docket No. RI73-27]

PHILLIPS PETROLEUM CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund [1]

AUGUST 4, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Ch. I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] This order provides for a prehearing conference on September 12, 1972.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-27	Phillips Petroleum Co	202	[1] 20	Texas Gas Transmission Corp. (Lewisburg Field, Acadia and St. Landry Parishes, southern Louisiana).	----------	7-5-72	8-5-72	[2] Accepted			
	do		21	do	$5,067	7-5-72	9-8-72	[3] Accepted	20.656	22.375	G-11991.
				do	10,000	7-5-72		1-5-73	22.375	26.0	

*The pressure base is 15.025 p.s.i.a.
[1] Contract agreement dated Jan. 1, 1972.
[2] Accepted for filing effective upon expiration of the statutory notice period.
[3] Accepted, without refund obligation, as of Sept. 8, 1972, 65 days from the date of filing.

APPENDIX "A"

The question presented here is whether the subject gas is entitled to an area rate of 22.375 cents, which is the rate established in Opinion No. 598, Dockets Nos. AR61-2 and AR69-1, et al., issued July 16, 1971, for gas sold under contracts dataed prior to October 1, 1968, or an area rate of 26 cents which applies to contracts dated on or after October 1, 1968. As justification for the proposed 26-cent rate, Phillips claims that the gas previously sold under its terminated old contract and now sold under a January 1, 1972, contract qualifies as new gas within that term as used in Opinion No. 598. The proposed increase up to the 22.375-cent level is accepted as of 65 days from the date of filing in accordance with Opinion No. 598, but the increased rate filing in excess of this level should be suspended for 5 months from the expiration of the statutory notice period, pending determination as to whether the gas involved herein is entitled to the new or old gas price.

In order to resolve the aforementioned question as expeditiously as possible, and to expedite the hearing provided for in Ordering Paragraph A, supra, a prehearing conference shall be held in accordance with § 1.18(c) of the rules of practice and procedure, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on September 12, 1972, at 10 a.m. (e.d.s.t.) concerning the issues hereinbefore discussed.

A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall convene the prehearing conference in this proceeding.

The purpose of such conference shall be to provide an opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of this proceeding.

The procedural dates for service of prepared testimony and exhibits and for hearings on the issues herein shall be set by future order of the Commission.

[FR Doc.72-12620 Filed 8-11-72;8:45 am]

[Dockets Nos. RI72-267, etc.[1]]

SKELLY OIL CO. ET AL.

Order Shortening Suspension Periods

AUGUST 2, 1972.

The producers involved here filed for proposed increased rates not in excess of 27 cents per Mcf for sales in the Permian Basin Area which previously were suspended for 5 months in the proceedings listed in the appendix. Each of these increases relates to sales made under Mitchell-type certificates.[2]

We have decided recently with respect to sales made under Mitchell-type certificates that rate increases which exceed 27 cents per Mcf should be suspended for the full 5-month statutory period, and that rate increases not in excess of that rate level should be suspended for only 1 day.[3] We therefore believe it appropriate to shorten the suspension periods for the subject sales effective as of the date of this order inasmuch as the proposed rates do not exceed 27 cents per Mcf. The Commission orders:

For the reason set forth above, the suspension orders in the proceedings involved here are modified so that the suspension periods for the proposed increased rates designated in the appendix are shortened to permit the producers to collect such rates, subject to refund, as of the date of issuance of this order.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Date filed
RI72-267	Skelly Oil Co	248	3	5-11-72
RI72-253	Midwest Oil Corp	59	2	5- 1-72
RI72-255	Shell Oil Co	383	3	5- 4-72
RI72-247	Phillips Petroleum Co.	483	3	4-24-72
RI72-193	do	484	4	2-25-72
RI72-193	do	485	5	2-25-72
RI72-194	Getty Oil Co	187	3	3- 1-72

[FR Doc. 72-12621 Filed 8-11-72;8:45 am]

[Docket No. E-7728]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

AUGUST 10, 1972.

Take notice that on July 5, 1972, Northwestern Public Service Co. (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue $1 million of additional short-term promissory notes.

The Commission by order issued June 14, 1972, authorized Northwestern Public Service Co. to issue $2 million in promissory notes as evidence of new financing and $2 million in promissory notes as renewal notes for previously authorized financing. The Commission in its June 14, 1972, order conditioned the financing on Applicant issuing all promissory notes by August 31, 1972, with final maturity dates being not later than August 31, 1973.

Applicant in its current request for supplemental authority to issue short-term notes states that it has requested authorization of this Commission for permanent financing in the form of $6 million in first mortgage bonds, 25,000 shares of preferred stock, and up to 100,000 shares of common stock (Docket No. E-7730). However, due to delays in their permanent financing it is necessary to request that the authority to issue $2 million of new notes be increased to an aggregate total amount of $3 million.

The proceeds of the additional $1 million in short-term financing will be used for the same purpose as the previously authorized short-term financing; for the construction expansion of generation and transmission facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-12864 Filed 8-11-72;8:55 am]

FEDERAL RESERVE SYSTEM

BANKS OF IOWA, INC.

Acquisition of Bank

Banks of Iowa, Inc., Cedar Rapids, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank, Burlington, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 31, 1972.

Board of Governors of the Federal Reserve System, August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12759 Filed 8-11-72;8:49 am]

CAPITAL MANAGEMENT, INC.

Order Approving Formation of Bank Holding Company and Retention of Brady Insurance Agency

Capital Management, Inc., Aurora, Nebr., has submitted an application for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 80 percent of the voting shares of Bank of Brady, Brady, Nebr. (Bank).

At the same time, applicant has submitted its application for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to engage in certain permissible insurance agency activities through the retention of assets of Brady Insurance Agency, Brady, Nebr. (Agency).

Notice of receipt of these applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant's sole business activity is operating Agency. Bank (deposits of $2.1 million) is the only bank in a community of approximately 300 people. Bank is the smallest of seven banks in the towns of North Platte, Gothenburg, Arnold, and Brady, which approximates Bank's service area. (All banking data are as of June 30, 1971.) Since the transaction involves only a change from individual to corporate ownership, consummation of the proposal will have no adverse effects on existing or potential competition.

The Board notes that applicant's president acquired 34 shares of Bank for a lower sum than that paid for his majority shares. The Board has previously expressed the view that failure to make an equivalent offer to minority shareholders is considered as an adverse circumstance (57 F.R. Bulletin 415, 688). However, applicant has agreed to compensate the former owners of these minority shares so that they will receive a sum equal to that paid the majority shareholders. Applicant further agreed to make an equal offer to all remaining minority shareholders. The Board's approval of these applications is subject to the condition that applicant fulfill such

[1] See the appendix attached hereto.

[2] The Mitchell-type certificates relate to the temporary certificate issued to George Mitchell on January 14, 1971, in Docket No. CI71-268 for a sale in Permian at an initial rate in excess of that provided in Opinion No. 468, and to the temporary and permanent certificates thereafter issued to producers in Permian.

[3] The 27 cents ceiling represents the highest authorized initial rate for sales in Permian. Amoco Production Company, et al., Docket Nos. CI71-118, et al., order issued January 14, 1972.

agreements prior to consummation of the proposed transaction.

The financial and managerial resources and future prospects of applicant, Bank, and Agency are consistent with approval. Although applicant will incur considerable debt in acquiring Bank, its income from Bank and Agency will provide sufficient revenue to adequately service the debt. (Applicant's projections concerning the earnings of both Bank and Agency are reasonable and possibly conservative.) In addition, applicant's acquisition of Bank will assure continued operation of the only bank in Brady. Accordingly, considerations relating to the convenience and needs of the community to be served, with respect to the acquisition of Bank, lend weight toward approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Agency is the only general insurance agency in Brady, a town of approximately 300, and is located on the premises of Bank. The operation by a bank holding company of a general insurance agency in a community with a population of less than 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4 (a) (9) (iii)).

There is no evidence in the record indicating consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. The acquisition would assure continuation of the only source of general insurance in the town of Brady. On the basis of the foregoing and other facts reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c) (8) in permitting a holding company to engage in an activity on the basis that it is closely related to banking both favor approval of the applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Agency's activities is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective August 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12712 Filed 8-11-72;8:45 am]

FIRST WISCONSIN BANKSHARES CORP.

Acquisition of Bank

First Wisconsin Bankshares Corp., Milwaukee, Wis., has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of First Wisconsin Bank of Waukesha, Waukesha, Wis., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 31, 1972.

Board of Governors of the Federal Reserve System, August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12760 Filed 8-11-72;8:49 am]

GENERAL FINANCIAL SYSTEMS, INC.

Acquisition of Banks

General Financial Systems, Inc., Riviera Beach, Fla., has applied in two separate applications as set forth below for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)):

(1) To acquire 19,980 of the voting shares of Kendall State Bank, Kendall, Fla., a proposed new bank; and

(2) To acquire 55,000 of the voting shares of Jupiter National Bank, Jupiter, Fla., a proposed new bank.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 31, 1972.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Bucher.

Board of Governors of the Federal Reserve System, August 8, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12761 Filed 8-11-72;8:49 am]

TENNESSEE HOMESTEAD CO.

Acquisition of Banks

Tennessee Homestead Co., Ogden, Utah, has applied in two separte applications as set forth below for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)):

(1) To acquire 12.31 percent of the voting shares of Bank of Ben Lomond, Ogden, Utah; and

(2) To acquire 36.01 percent of the voting shares of Bank of Utah, Ogden, Utah.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 29, 1972.

Board of Governors of the Federal Reserve System, August 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12762 Filed 8-11-72;8:49 am]

WORCESTER BANCORP, INC.

Order Approving Acquisition of Bank

Worcester Bancorp, Inc., Worcester, Mass., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares of First National Bank of Amherst, Amherst, Mass. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Massachusetts, controls one bank with aggregate deposits of $336.3 million, representing 2.9 percent of total deposits of commercial banks in the State. (All banking data are as of December 31, 1971, and reflect bank holding company formations and acquisitions

approved through May 31, 1972.) Approval of this application would not significantly increase Applicant's share of statewide deposits and its present ranking would not change.

Bank, with deposits of $25.2 million, is the largest of six banks in its banking market, which is approximated by central Hampshire County and portions of Franklin County, and controls 32 percent of deposits in commercial banks in that market.

Applicant's acquisition of Bank would constitute its initial entry into Bank's market and Hampshire County. Applicant's closest existing subsidiary banking office is located approximately 30 miles from Bank. No meaningful competition exists between Bank and any of Applicant's existing subsidiary banking offices, nor does it appear likely that such competition would develop in the future, in view of the distances separating Bank from Applicant's subsidiaries, the State's restrictive branching laws and the relatively static economic conditions in Bank's market.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are generally satisfactory and consistent with approval of the application. In addition, it is expected that Applicant's acquisition of Bank will add depth to the management of Bank. Although there is no evidence that the banking needs of the communities involved are not being adequately met at present, Applicant expects to offer, through Bank, a broader range of financial services to Bank's customers. Considerations relating to the convenience and needs of the communities to be served are, therefore, consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The approval herein neither provides authority to Applicant to continue in the nonbank activities nor to retain nonbank shares nor requires the Applicant to modify or terminate said activities or holdings. However, consummation of the proposal herein is subject to the continuing authority of the Board to require modification or termination of such activities or holdings (within a period no shorter than 2 years), if the Board determines that the continued combination of banking and nonbanking interests is likely to have an adverse effect on the public interest.[1] The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-12713 Filed 8-11-72;8:45 am]

[1] In permitting Applicant to retain its grandfathered land development company, Wornate Development Corp., the Board has not altered its position that land development is not a permissible activity under § 4(c)(8) of the Bank Holding Company Act. (Application of UB Financial Corp., Phoenix, Ariz., to retain H. S. Pickrell Co., 1972 F.R. *Bulletin* 428.)

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Bucher.

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ACCURATE CALCULATOR CORP.

Order Suspending Trading

AUGUST 7, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Accurate Calculator Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 8, 1972, through August 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12732 Filed 8-11-72;8:47 am]

[File No. 500-1]

COGAR CORP.

Order Suspending Trading

AUGUST 7, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.60 par value, and all other securities of Cogar Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.d.t., on August 7, 1972, through August 14, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12733 Filed 8-11-72;8:47 am]

[File No. 500-1]

CRESCENT GENERAL CORP.

Order Suspending Trading

AUGUST 7, 1972.

The common stock, $0.10 par value of Crescent General Corp. being traded on the Intermountain Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Crescent General Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934 that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 8, 1972, through August 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12734 Filed 8-11-72;8:47 am]

[811-1963]

FINANCIAL FUTURE FUND, INC.

Notice of Filing of Application Declaring That Company Has Ceased To Be An Investment Company

AUGUST 8, 1972.

Notice is hereby given that Financial Future Fund, Inc. (Applicant), 900 Grant Street, Denver, CO 80201, a Colorado corporation registered as an open-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant was incorporated on October 20, 1969. On October 27, 1969, registration statements under the Act and under the Securities Act of 1933 were filed on behalf of Applicant. Its registration statement under the Securities Act of 1933 never became effective.

Applicant represents, among other things, that it is not making and does not presently propose to make a public offering of its securities.

Applicant further represents that it has no shareholders and no assets or liabilities. Applicant is a dormant corporation engaging in no business activities.

Section 3(c) (1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 31, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such requests and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-12736 Filed 8-11-72;8:48 am]

[File No. 500-1]

FIRST WORLD CORP.

Order Suspending Trading

AUGUST 7, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock, $0.15 par value, of First World Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 8, 1972, through August 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-12735 Filed 8-11-72;8:47 am]

[Files Nos. 2-24247, 22-4000]

GENERAL ELECTRIC OVERSEAS CAPITAL CORP.

Notice of Application and Opportunity for Hearing

AUGUST 7, 1972.

Notice is hereby given that General Electric Overseas Capital Corp. (the Company) and General Electric Co. (the Guarantor) have filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of the First National City Bank (First National) under an indenture dated December 1, 1965 (the 1965 Indenture) which was qualified under the Act and the trusteeship of First National under a new indenture to be dated as of June 16, 1972 (the 1972 Indenture), which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for protection of investors to disqualify First National from acting as trustee under any of said indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of such issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

(1) The Company has issued 4¼ percent Guaranteed Bonds Due 1985, principal amount of $50 million convertible from May 1, 1967, to November 30, 1975, into General Electric Common Stock, under an Indenture, dated December 1, 1965, among the Company, the Guarantor and First National.

(2) Under an indenture, to be dated as of June 16, 1972, between the Company, the Guarantor and First National, the Company proposes to issue $50 million principal amount of its 4¼ percent Convertible Guaranteed Debentures Due 1987 for sale to persons outside the United States, its territories and possessions who are not nationals or residents thereof. The New Debentures will not be registered under the Securities Act of 1933 and the New Indenture will not be qualified under the Act.

(3) The 1965 Indenture and the 1972 Indenture are wholly unsecured and the Company and the Guarantor are not in default under the 1965 Indenture. The rights of the holders of the 1965 Debentures and the rights of the holders of the 1972 Debentures rank on a parity with each other as to the Company and the Guarantor.

(4) Such differences as exist among the 1965 Indenture and the 1972 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify First National from acting as trustee under any of said Indentures.

The Company has waived notice of hearing and hearing, in connection with the matter referred to in this application.

For a more detailed statement of the matters of fact and law ascerted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 500 North Capitol Street, Washington, DC 20549.

Notice is further given that any interested person may, not later than August 30, 1972, request in writing that a hearing be held on such matter, stating the nature of this interest, the reason for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-12737 Filed 8-11-72;8:48 am]

[File No. 500-1]

LDS DENTAL SUPPLIES, INC.

Order Suspending Trading

AUGUST 8, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of LDS Dental Supplies, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of the investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 9, 1972, through August 18, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12739 Filed 8-11-72;8:48 am]

[File No. 500-1]

LEISURE CONCEPTS, INC.

Order Suspending Trading

AUGUST 5, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Leisure Concepts, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from August 5, 1972, through August 14, 1972. through August 14, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12738 Filed 8-11-72;8:48 am]

[File No. 500-1]

RESEARCH GAMES, INC.

Order Suspending Trading

AUGUST 7, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Research Games, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.d.t., on August 7, 1972, through August 16, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12740, Filed 8-11-72;8:48 am]

[File No. 500-1]

TRANS-EAST AIR, INC.

Order Suspending Trading

AUGUST 7, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.50 par value, and all other securities of Trans-East Air, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m., e.d.t., on August 8, 1972, through August 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-12741, Filed 8-11-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 927; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1972, because of the effects of a certain disaster, damage resulted to business property located in Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below from persons or firms whose property suffered damage or destruction resulting from a tornado occurring on July 21, 1972, and whose property is situated in the Towns of Chelmford, Carlisle, and Tyngsboro in Middlesex County, Massachusetts.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1972.

Dated: July 25, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-12724 Filed 8-11-72;8:46 am]

[Declaration of Disaster Loan Area 939; Class B]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the counties of Aitkin, Carlton, Crow Wing, Douglas, Isanti, Kanabec, Mille Lacs, Morrison, Otter Tail, Pine, and Todd, Minn., suffered damage or destruction resulting from extensive flooding, beginning about June 21, 1972.

OFFICE

Small Business Administration District Office, Plymouth Building, 12 South Sixth Street, Minneapolis, MN 55402

2. Temporary offices will be established at such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1972.

Dated: August 2, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-12725 Filed 8-11-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 52]

ASSIGNMENT OF HEARINGS

AUGUST 9, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 99149 Sub 10, Midway Motor Freight Lines, Inc., now assigned October 2, 1972, at Little Rock, Ark.; hearing is canceled and transferred to modified procedure.

MC 15859 Sub 7, The Hine Line, MC 123639 Sub 144, J. B. Montgomery, Inc.; hearing continued to September 18, 1972, Washington, D.C., at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 5 Sub 1, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co.; debtor, abandonment, between Williamsport, Pa., and Southport, N.Y., in Lycoming, Tioga, and Bradford Counties, Pa., and Chemung County, N.Y., now assigned November 1, 1972, at Williamsport, Pa.; hearing is advanced to September 11, 1972, at Williamsport, Pa., in a hearing room to be later designated.

MC-121142 Sub 10, J. & G. Express, Inc., now being assigned hearing October 30, 1972 (2 weeks), at Jackson, Miss., in a hearing room to be later designated.

MC 42487 Sub 785, Consolidated Freightways Corporation of Delaware, now being assigned October 30, 1972 (1 week), at Lexington, Ky., in a hearing room to be later designated.

MC-C-7797, Coleman Transfer & Storage, Inc.—Investigation of operations and practices, now assigned August 17, 1972, at Omaha, Nebr., is canceled.

MC-C-7775, Aero Mayflower Transit Co., Inc.—Investigation and revocation of certificates, now assigned August 24, 1972, at Washington, D.C.; postponed to August 29, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C. The hearings set for August 14, 1972, at Dallas, Tex., and August 21, 1972, at Tampa, Fla., remains as assigned.

F. D. 26115, Boston and Maine Corp. Reorganization, heard July 31 through August 2, 1972, at Washington, D.C., has been continued to August 21, 1972, at Washington, D.C., in the offices of the Interstate Commerce Commission.

MC 83835 Sub 89, Wales Transportation, Inc., MC 119774 Sub 41, Mary Ellen Stidham, N. M. Stidham, A. E. Mankins (Inez Mankins, Executrix), and James E. Mankins, Sr., doing business as Eagle Trucking Co., and MC 120257 Sub 13, K. L. Breeden & Sons, Inc., continued to September 26, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB-19 Sub 1, Baltimore & Ohio Railroad Co. and The Pittsburgh & Western Railroad Co.; abandonment between Bruin and Mount Jewett in Butler, Armstrong, Clarion, Forest, Elk, and McKean Counties, Pa., now assigned September 11, 1972, at Kane, Pa., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12766 Filed 8-11-72;8:50 am]

[Notice 103]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73480. By order of July 25, 1972, the Motor Carrier Board on reconsideration approved the transfer to Engelmann Trucking Co., Inc., Huntington Station, N.Y., of the operating rights in Nos. MC-127869, MC-127869 (Sub-No. 1), MC-127869 (Sub-No. 4), and MC-127869 (Sub-No. 5), issued June 28, 1966, November 15, 1966, January 11, 1968, and April 2, 1968, respectively, to Clifford Broman & Son, Inc., Farmingdale, N.Y., authorizing the transportation, as a motor common carrier, of fertilizer, fertilizer materials, soil conditioners, agricultural commodities, animal and poultry feed, chemicals, and petroleum products, in containers, from and to specified points in New Jersey, New York, N.Y., Philadelphia, Pa., and Nassau and Suffolk Counties, N.Y. *Dual operations were approved.* William J. Augello, Jr., 103 Fort Salonga Road, Northport, NY 11768, attorney for applicants.

No. MC-FC-73493. By order of July 28, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to Dye Hauling Co., A Corporation, Dallas, Tex., of the operating rights in Permits Nos. MC-129893 (Sub-No. 2) and MC-129893 (Sub-No. 4), issued March 27, 1972, and February 5, 1971, respectively, to Dallas Materials Transport Co., A Corporation, Dallas, Tex., authorizing the transportation of cement, in bulk, from the plantsite of Gifford-Hill Portland Cement Co., at Gifco, Tex., near Midlothian, Tex., to points in New Mexico, Louisiana, Arkansas, and Oklahoma; and sand and gravel, from points in Miller County, Ark., to points in Louisiana, Oklahoma, and Texas. Dual operations was authorized. Don Felts, The 904 Lavaca Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-73784. By order entered July 28, 1972, the Motor Carrier Board approved the transfer to Norman W. Foster, doing business as Ravalli Motor Freight, Hamilton, Mont., of the operating rights set forth in Certificate of Registration No. MC-121623, issued by the Commission, December 3, 1968, as amended June 2, 1969, to Sam Foss, Jr., doing business as Ravalli Motor Freight, Hamilton, Mont., evidencing a right to engage in operations in interstate commerce corresponding in scope to Class B Certificate of Public Convenience and Necessity M.R.C. No. 646 dated September 22, 1959, as reissued October 22, to indicate specific route numbers, transferred and reissued July 15, 1968, by the Board of Railroad Commissioners of the State of Montana. D. W. McKenna, Banque Building, Post Office Box 389, Hamilton, MT 59840, attorney for applicants.

No. MC-FC-73813. By order of July 20, 1972, the Motor Carrier Board approved the transfer to D & R Moving & Trucking, Inc., Oceanside, N.Y., of the operating rights in Certificate No. MC-73828 issued October 9, 1959, to Fellmann Moving Vans, Inc., Brooklyn, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368, attorney for applicants.

No. MC-FC-73828. By order of July 25, 1972, the Motor Carrier Board approved the transfer to Ray Churchill Trucking Co., Inc., Barre, Vt., of the operating rights in Certificates Nos. MC-43181, MC-43181 (Sub-No. 1), MC-43181 (Sub-No. 4), and MC-43181 (Sub-No. 5) issued June 26, 1941, June 30, 1952, May 6, 1954, and December 3, 1959, respectively, to Ray Churchill, Barre, Vt., authorizing the transportation of granite from points in Washington County, Vt., to New York, N.Y., points in Long Island, N.Y., and specified areas in New York, New Jersey, and Pennsylvania; from Barre, Vt., and points within 20 miles of Barre, to Bradford, Pa., points in Massachusetts, New York, and New Hampshire, and those in Monmouth, Middlesex, Essex, Hudson, and Bergen Counties, N.J.; marble from Proctor and Rutland, Vt., to Baltimore, Md., Albany and Rochester, N.Y., and various points in a specified area in Pennsylvania; concrete, metal, and wooden silos, from Red Creek, N.Y., to points in Vermont and New Hampshire; silos, from Netcong, N.J., to points in

Vermont, Massachusetts, New Hampshire, and Connecticut; and rough, dressed, or carved granite and marble from points in Rutland Township, Rutland County, Vt., Berlin and Barre Townships, Washington County, Vt., to Philadelphia, Pa., and rough dressed or carved granite from the above-specified points to Wilmington, Del. Edwin W. Free, Jr., 25 Keith Avenue, Barre, VT 05641, attorney for applicants.

No. MC-FC-73838. By order entered July 28, 1972, the Motor Carrier Board approved the transfer to Raben Wright, Munith, Mich., of that portion of the operating rights set forth in Certificate No. MC-112590 (Sub-No. 1), issued September 13, 1961, to United Motor Freight, Inc., Lansing, Mich., authorizing the transportation of general commodities, with the usual exceptions, between Jackson, Mich., and the Willow Run Airport and the Wayne Major Airport, both located in Michigan near Detroit, Mich., serving no intermediate points, from Jackson over U.S. Highway 12 to the Willow Run Airport and the Wayne Major Airport, and return over the same route, restricted to traffic having an immediately prior or subsequent movement by air carrier. Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12767 Filed 8-11-72;8:50 am]

[Notice 110]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 8, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 37398 (Sub-No. 1 TA) (Correction), filed July 12, 1972, published in the FEDERAL REGISTER issue of August 2, 1972, and republished in part, as corrected, this issue. Applicant: MORRIS D. WEINSTEIN and JAY H. WEINSTEIN, doing business as JOHN J. BOYCE & SON, 116 South Elberon Avenue, Atlantic City, NJ 08401. Applicant's representative: Don Weisberg, Suite 1920, 2 Penn Center Plaza, Philadelphia, Pa. 19102. NOTE: The purpose of this partial republication is to show the correct destination point as Atlantic *County,* N.J., in lieu of Atlantic *City,* N.J., which was in error in previous publication. The rest of the application remains the same.

No. MC 109064 (Sub-No. 27 TA), filed July 26, 1972. Applicant: TEX-O-KAN TRANSPORTATION COMPANY, INC., 3301 Southwest Loop 820, Post Office Box 8367, Fort Worth, TX 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Concrete wall panels and concrete roof sections* (double tees), from the plantsite of Everman Products, Inc., Everman, Tex., to Searcy, Ark., for 180 days. Supporting shipper: Tom Magoffin, Sales Manager, Everman Products, Inc., Post Office Box 40470, 105 Barron, Everman, TX 76140. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 111397 (Sub-No. 101 TA), filed July 21, 1972. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, KY 42001. Applicant's representative: Bert Jody, Jr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fly ash,* in bulk, from Metropolis, Ill., to the U.S. Corps of Engineers, Smithland Locks Project on the Ohio River at Dog Island. Ky. Restriction: The movement is restricted to the transportation of shipments having a prior rail or barge movement, for 180 days. Supporting shippers: Dravo Corp., Pittsburgh, Pa. 15225, S. J. Groves Construction Co., Dravo Corp. and Gust K. Newberg Construction Co., joint venture, Brookport, Ill. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 123125 (Sub-No. 2 TA), filed July 26, 1972. Applicant: LOUIS ZINIS AND WILLIAM BROOKES, a partnership, doing business as Z & B TRANSPORTATION CO., 31 Pine Tree Road, Old Bridge, NJ 08857. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, bed frames* (knocked down), *bed boards, bed legs, and pillows,* for the account of Sleepmaster Products, Co., Inc., of Newark, N.J., from Newark, N.J., to points in Delaware, Maryland, Virginia, and Washington, D.C., for 180 days. Supporting shipper: Sleepmaster Products Co., Inc., 60 Lockwood Street, Newark, NJ 07105. Send protests to: District Supervisor, Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 124078 (Sub-No. 528 TA), filed July 25, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Jerome T. Leslie (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fly ash,* from points in Clermont County, Ohio, to points in Illinois, Indiana, Kentucky, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Amax Fly Ash Corp., 2222 Springboro Road, Dayton, OH 45439 (Dennis A. Jones, Vice President). Send protests to: District Supervisor, John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124078 (Sub-No. 529 TA), filed July 26, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wood preservative,* in bulk, from Oshkosh, Wis., to points in Upper Peninsula of Michigan, for 180 days. Supporting shipper: Cook & Brown, Inc., Post Office Box 498, Oshkosh, WI 54901. Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124247 (Sub-No. 16 TA), filed July 26, 1972. Applicant: DAN LODESKY TRUCKING, INC., Post Office Box 236, Gurnee, IL 60031. Applicant's representative: Edward Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid asphalt,* in bulk, in tank vehicles, from the plantsite of American Oil Co. at Whiting, Ind., to the plantsite of Johns Manville Products Corp. at Waukegan, Ill., for 180 days. Supporting shipper: Johns Manville Products Corp., Greenwood Avenue, Waukegan, Ill. 60085. Send protests to: District Supervisor, William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133031 (Sub-No. 2 TA), filed July 16, 1972. Applicant: CONDEL

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

TRUCKING COMPANY, INC., 50 Spruce Street, Post Office Box 2265, Paterson, NJ 07509. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Christmas decorations*, from Mayfield, Ky., to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Alabama, Arkansas, Louisiana, Illinois, Michigan, Ohio, Kentucky, Oklahoma, Iowa, Nebraska. Texas, Mississippi, Missouri, Tennessee, Indiana, Kansas, Colorado, and Minnesota, for 180 days, under contract with Consolidated Novelty Co., Inc. Supporting shipper: Consolidated Novelty Co., Inc., 50 Spruce Street, Paterson, NJ 07509. Send protests to: District Supervisor, Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135874 (Sub-No. 7 TA) (Correction), filed June 14, 1972, published in the FEDERAL REGISTER issue of July 15, 1972, and republished in part, as corrected this issue. Applicant: LTL PERISHABLES, INC., 132d and Q Streets, Mailing: Post Office Box 37468 (68152), Omaha, NE 68137. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. NOTE: The purpose of this partial republication is to include the statement that the purpose of this application is "to premit applicant to interline at Omaha with other carriers so as to provide a through service to points in North Dakota and South Dakota." The rest of the application remains the same.

No. MC 136172 (Sub-No. 3 TA), filed July 26, 1972. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Boulevard, Fontana, CA 92335. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mattresses and box springs*, in packages, (a) from Los Angeles, Calif., to points in Arizona and Nevada; and (b) from San Francisco, Calif., to points in Oregon and Washington, and (2) *polyurethane foam products*, from points in Los Angeles County, Calif., to points in Arizona and Utah, for 180 days. Supporting shipper: C. B. Van Vorst Co., 6000 South Saint Andrews Place, Los Angeles, CA 90047, United Foam Corp., 19201 South Reyes Avenue, Compton, CA 90221. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136704 (Sub-No. 1 TA), filed July 24, 1972. Applicant: KENNETH FRANKLIN WAGNON, LILLIAN ANN WAGNON, KENNETH DAVID WAGNON, doing business as KENNETH F. WAGNON TRUCKING CONTRACTOR, 84774 North Cloverdale Road, Creswell, OR. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough handle wooden stock* in kiln cars, from Longview, Wash., to Eugene, Oreg., and return of *empty kiln cars*, for 180 days. Supporting shipper: Cascade Handle Co., Inc., Post Office Box 364, Eugene, OR 97401. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136720 (Sub-No. 1 TA), filed July 26, 1972. Applicant: APEX BULK COMMODITIES, 11902 East Washington Boulevard, Whittier, CA 90670. Applicant's representative: Donna L. Gale (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat meal and blood meal*, from Swift & Co., Tolleson, Ariz., to Anaheim Feeds, Anaheim, Calif., Fontana Poultry Ranch, Fontana, Calif., for 180 days. Supporting shipper: Olson Farms, Inc., 3855 Lankershim Boulevard, North Hollywood, CA 91603. Send protests to: John E. Nance, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136760 TA, filed July 25, 1972. Applicant: LISAN TRUCKING CORP., 55 Water Mill Lane, Great Neck, NY 11021. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household chemical products* (other than in bulk), dry and liquid, from Port Reading, N.J., to New York, N.Y., points in Nassau, Suffolk, and Westchester Counties, N.Y., Lisbon, Mansfield, and Rockville, Conn., Hialeah, Jacksonville and Miami, Fla., Portland, Maine, Baltimore, Md., Canton, East Weymouth, Norton, South Boston, and Springfield, Mass.; Linden, N.J.; Syracuse, and Waterford, N.Y.; Ambridge, Dubois, McKessport, Murraysville, Philadelphia, and Pittsburgh, Pa., Esmong, R.I., and manchester, N.H., and *rejected, refused, and damaged merchandise*, on return, for 180 days. Supporting shipper: Sage Laboratories, Inc., 767 Fifth Avenue, New York, NY 10022. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 136910 TA, filed July 21, 1972. Applicant: TAGGART SERVICE LIMITED, 885 Churchill Avenue, Ottawa, ON, Canada. Applicant's representative: Frank J. Kerwin, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between the international boundary line between the United States and Canada, at or near Alexandria Bay (Ivy Lea Bridge), N.Y., and the international compound at or near Alexandria Bay, N.Y., for 180 days Supporting shipper: No supporting shippers have been indicated based on the applicant's statement that he only wishes to move across the Canadian border to the American compound for interline or interchange of freight with American carriers to coincide with their Canadian authority. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

MOTOR CARRIERS OF PASSENGERS

No. MC 136895 (Sub-No. 1 TA), filed July 18, 1972. Applicant: WHITE LINES, INC., 118 East High Street, Oxford, OH 45056. Applicant's representative: David P. White (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter coach service, from points in Butler, Montgomery, Clark, and Greene Counties, Ohio, to points in the United States (including Alaska but excluding Hawaii), for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-12768 Filed 8-11-72;8:50 am]

[Notice 211]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 856 TA), filed July 25, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855 (50304), Des Moines, IA 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mixed acid*, in bulk, in rubber-lined tank vehicles, from Milwaukee, Wis., to Skokie, Oakbrook, and Calumet City, Ill., for 150 days. Supporting shipper: Benlo Chemicals, Inc., 1907–25 South 89th Street, Milwaukee, WI 53227. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 357 TA), filed July 28, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live laboratory specimens*, between Madison, Wis., on the one hand, and, on the other, Boone, Cook, Du Page, Lake, McHenry, and Winnebago Counties, Ill.; Lafayette and South Bend, Ind.; Kalamazoo, Mich.; and Minneapolis, Minn., for 180 days. Supporting shipper: Holtzman Company, Post Office Box 4068, Madison, WI 53711. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117799 (Sub-No. 38 TA), filed July 28, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Room 205, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the plantsite and storage facilities of Fairfield Products, at Clark, S. Dak., to points in Montana, North Dakota, Wyoming, Colorado, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia, and Pennsylvania, for 180 days. Supporting shipper: Fairfield Products Inc., Clark, S. Dak. 57225. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 125293 (Sub-No. 7 TA), filed July 24, 1972. Applicant: INDUSTRIAL CONTRACT CARRIERS, INC., 1828 Northwest Raleigh, 617 Southwest 17th Avenue, Portland, OR 97205. Applicant's representative: Johnny L. Bell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *TOFC semitrailers* loaded with telephone switchboard parts, *and telephone material and supplies*, and *empty TOFC semitrailers*, between Vancouver, Wash., and Portland, Oreg., for 180 days. Supporting shipper: Western Electric Co., Inc., 222 Broadway, New York, NY 10038. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 126313 (Sub-No. 7 TA), filed July 24, 1972. Applicant: CHO-BO, INC., Post Office Box 38, Route Kennedy, St. George (Beauce County) PQ Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, from ports of entry on the international boundary lines between the United States and Canada located in Maine, New Hampshire, Vermont, and at Rouses Point, N.Y., to Bound Brook and Berlin, N.J., and Pittsfield and Boston, Mass., for 180 days. Supporting shipper: Carey-Canadian Mines, Ltd., Post Office Box 190, East Broughton Station, Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 127791 (Sub-No. 3 TA), filed July 27, 1972. Applicant: WELLS CARTAGE LTD., 726 Powell Street, Vancouver, BC Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical solvent*, in bulk, in tank vehicles, from Vancouver, Wash., to United States-Canada port of entry at Blaine, Wash., for 180 days. Supporting shipper: Emchem Sales Ltd., 1551 Pemberton Avenue, North Vancouver, BC Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133874 (Sub-No. 1 TA), filed July 27, 1972. Applicant: C. H. DAVENPORT, Rural Delivery No. 2, Catawissa, PA 17820. Applicant's representative: William S. Krisher, 401 Market Street, Bloomsburg, PA 17815. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, and materials, supplies, and equipment* used or useful in the manufacture thereof, between points in Pennsylvania, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and the *return of refused or damaged shipments*, for 180 days. Supporting shipper: Fulton Manufacturing Co., Inc., Berwick, Pa. 18603. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136288 (Sub-No. 1 TA), filed July 26, 1972. Applicant: CABANO TRANSPORT, LTD., Post Office Box 404, Temiscouata County, Riviere-du-Loup, Quebec, Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp, wood prdoucts, and newsprint*, from ports of entry on the international boundary line between the United States and Canada located at Jackman and Madawaska, Maine, Norton, Derby Line, and Highgate Centre, Vt., and Champlain and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; restricted to traffic originating at points in Riviere-du-Loup and Temiscouata Counties in Quebec, for 180 days. Supporting shippers: Mohawk Pulp Co., Ltd., Riviere-du-Loup, Quebec; Cabano Hardwood Specialties, Inc., Post Office Box 96, Cabano, Quebec; F. F. Soucy, Inc., C. P. 490, Riviere-du-Loup, Quebec. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 136352 (Sub-No. 1 TA), filed July 28, 1972. Applicant: GEORGE E. McLAUGHLIN, Post Office Box 243, Berwick, PA 18603. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics bottles, and equipment, parts, and supplies* used in the manufacture thereof, between the plantsites of Wheaton Plastics Co. at Mays Landing, N.J., Des Plaines and Centralia, Ill., and Ventura, Calif., from the plantsites of Wheaton Plastic Co. at Mays Landing, N.J., Des Plaines and Centralia, Ill., to Irvine, Los Angeles commercial zone and San Francisco commercial zone, California, for 180 days. Supporting shipper: Wheaton Plastics Co., Mays Landing, N.J. 08330. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136924 (Sub-No. 1 TA), filed July 28, 1972. Applicant: JENS ROBERT KENNEDY, doing business as KENNEDY'S TRANSFER, Kingston, Wis.

53939. Applicant's representative: Robert W. Loser, 320 North Meridan Street, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dip-n-dressing, fruit juices, yogurt, ice cream, ice cream products, and frozen confectioneries*, from the plantsite and storage facilities of Sealtest Foods Division of Kraftco Corp., Milwaukee, Wis., to Menominee, Mich. Restriction: Limited to a transportation service to be performed under a continuing contract or contracts with Sealtest Foods Division of Kraftco Corp., for 180 days. Supporting shipper: Sealtest Foods Division of Kraftco Corp., 455 East Grand Avenue, Chicago, IL 60611. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson, Room 206, Madison, WI 53703.

No. MC 136926 TA, filed July 26, 1972. Applicant: RULAND PETERSEN, Box 964, Blackfoot, ID 83221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Oregon, Idaho, Utah, Wyoming, and Colorado, to points in Utah and Idaho, for 180 days. NOTE: Applicant does not intend to tack authority or interline with other carriers. Supporting shipper: Lumber Dealers Supply, Inc., Post Office Box 4608, Pocatello, ID. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 183 TA), filed July 28, 1972. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Barrett Elkins, Greyhound Lines-East, 1400 West Third Street, Cleveland, OH 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between the junction of U.S. Highway 68 and Kentucky Highway 29 and the junction of U.S. Highway 68 and Kentucky Secondary Highway 1268 serving all intermediate points, from the junction of U.S. Highway 68 and Kentucky Highway 29 over Kentucky Highway 29 to its junction with Kentucky Secondary Highway 1268 at Wilmore, Ky.; thence over Kentucky Secondary Highway 1268 to its junction with U.S. Highway 68 and return over the same route, for 180 days. NOTE: Applicant states it does intend to tack with its existing authority. Joinder of the proposed authority with the authority now held under Docket MC 1515 and subs would be, specifically, at the junction of U.S. Highway 68 and Kentucky Highway 29 and the junction of U.S. Highway 68 and Kentucky Secondary Highway 1268. Supported by: The passenger public. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-12769 Filed 8-11-72;8:50 am]

[Ex Parte No. 241, Rule 19, Exemption 16]

PITTSBURGH AND LAKE ERIE RAILROAD CO.

Exemption From Mandatory Car Service Rules

It appearing, that The Pittsburgh and Lake Erie Railroad Co. (P&LE) owns numerous plain gondolas and open hoppers; that, under present conditions, there is virtually no demand for these cars on the P&LE; that return of these cars to the P&LE has resulted in their being stored idle on that line; that such accumulation of idle cars has resulted in excessive congestion on the lines of the P&LE and storage of cars on main and auxiliary tracks, greatly interfering with service to shippers served by that line and with normal train and switching operations; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the P&LE; and that compliance with Car Service Rules 1 and 2 prevents such use of plain gondolas and open hoppers owned by the P&LE, resulting in unnecessary loss of utilization of such cars.

It is ordered, that purusant to the authority vested in me by Car Service Rule 19, plain gondolas described in the Official Railway Equipment Register, ICC R.E.R. No. 384, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation GB and open hoppers described therein as having mechanical designation HK, HT, or HM and bearing reporting marks assigned to The Pittsburgh and Lake Erie Railroad Co., shall be exempt from the provisions of Car Service Rules 1, 2(a), and 2(b).

Effective August 9, 1972.

Expires November 15, 1972.

Issued at Washington, D.C., August 9, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-12765 Filed 8-11-72;8:50 am]

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